



DEPARTMENT OF THE AIR FORCE
AIR FORCE BASE CONVERSION AGENCY

JUN 8 2001

MEMORANDUM FOR DISTRIBUTION (PROGRAM MANAGERS)

FROM: AFBCA/DR

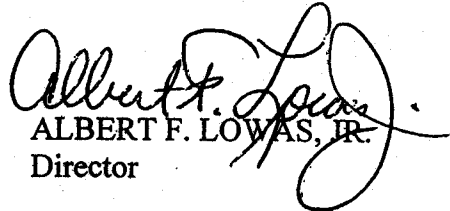
SUBJECT: Operating Procedures for the Management of Lead-Based Paint (LBP) at Air Force Base Realignment and Closure Installations

The attached document, Operating Procedures for the Management of Lead-Based Paint at Air Force Base Realignment and Closure Installations, is being distributed for immediate use. This guidance updates and revises AFBCA's 1996 Interim Operating Procedures for Management of LBP. It describes the requirements for evaluation, abatement, management, notice and disclosure of LBP and LBP hazards when leasing or selling target housing, residential property and child-occupied facilities.

The Revised Procedures also include requirements derived from the HUD section 1013 regulations implementing Title X and the DoD/EPA Field Guide.

The attached Summary Chart identifies which requirements and standards from AFBCA's 1996 LBP Procedures, HUD 1013 regulations, and the DoD/EPA Field Guide are applicable. The tables describe the requirements and standards.

Since the date of the conveyance agreement triggers the applicability chart, if you have questions please consult the Division's legal counsel to make the determination.


ALBERT F. LOWAS, JR.
Director

Attachments:

1. AFBCA Revised Procedures for the Management of LBP
2. Summary Chart

cc:

AFBCA/EV/OLs
SAF/MIQ
SAF/MII
AF/ILEVR
AFCEE/CC



Department of the Air Force
Air Force Base Conversion Agency

***OPERATING PROCEDURES FOR
THE MANAGEMENT OF
LEAD-BASED PAINT
AT AIR FORCE BASE REALIGNMENT
AND CLOSURE INSTALLATIONS***

MAY 2001

CONTENTS

1.0	Purpose and Introduction	3
2.0	Determining Applicable Procedures	5
2.1	Identifying the Applicable AFBCA LBP Procedures and Standards	5
2.2	Use and Effect of the DoD/EPA Field Guide	6
2.3	Use and Effect of the AFBCA 1996 Interim Procedures and the AFBCA 2001 Revised Procedures.....	6
2.4	Applicable LBP Procedures Decision Process	7
3.0	Guidance	8
3.1	Leases of Target Housing and Residential Property to Non-Federal Entity.....	8
3.2	Transfers of Target Housing and Residential Property to Federal Agencies for Ultimate Disposition to Non-Federal Entity	9
3.3	Conveyances of Target Housing and Residential Property to Non-Federal Entities.....	10
3.4	Conveyances of Child-Occupied Facilities.....	13
3.5	Conveyances of Facilities Other than Target Housing, Residential Property, and Child-Occupied Facilities.....	13
3.7	Other Requirements	14
<i>APPENDIX A – LBP Terms and Definitions</i>		<i>16</i>
<i>APPENDIX B – DoD Requirements that Exceed Title X.....</i>		<i>20</i>
<i>APPENDIX C – Title X Disclosure Format for Target Housing Rentals and Leases</i>		<i>22</i>
<i>APPENDIX D – Title X Disclosure Format for Target Housing Sales</i>		<i>23</i>
<i>APPENDIX E – References and Guidance</i>		<i>24</i>
<i>APPENDIX F – Frequently Asked questions.....</i>		<i>27</i>
<i>APPENDIX G – 1996 AFBCA Interim LBP Procedures</i>		<i>32</i>

1.0 PURPOSE AND INTRODUCTION

This document updates and revises the Air Force Base Conversion Agency (AFBCA) 1996 Interim Operating Procedures for Management of LBP at Air Force Base Realignment and Closure (BRAC) Installations, and describes the AFBCA requirements for evaluation, abatement, management, notice, and disclosure of lead-based paint (LBP) and LBP hazards when leasing or selling target housing¹, residential property², and child-occupied facilities.

Requirements and procedures to address LBP are principally derived from the requirements of the Residential Lead-Based Paint Hazard Reduction Act of 1992, generally referred to as Title X. HUD and EPA have promulgated regulations implementing all of the provisions of Title X. Title X and the HUD and EPA regulations require:

- The evaluation and abatement of LBP hazards by trained and certified personnel in all federally-owned target housing and residential property constructed prior to 1960
- The evaluation of LBP hazards by trained and certified personnel in all federally-owned target housing and residential property constructed between 1959 and 1978
- The disclosure of known LBP and LBP hazards before sale or lease of federally-owned, federally-assisted, and privately-owned target housing
- Training and certification requirements for persons involved in LBP activities (e.g., inspection, risk assessment, abatement)
- Standards for the identification of LBP hazards on residential property, including standards for paint, dust, and soil lead hazards.

In addition to the Title X LBP requirements, DoD has established LBP standards and requirements that exceed Title X as a matter of policy. These standards were issued in the January 27, 2000, memorandum entitled "DoD Lead Based Paint Policy for Disposal of Residential Real Property from ODUSD(ES)," and are contained in the Interim Final Lead-Based Paint Guidelines for Disposal of DoD Residential Real Property – A Field Guide (DoD/EPA Field Guide) (December 1999). Appendix B discusses these DoD requirements that exceed Title X in more detail. These standards generally provide additional protection for children by:

- Expanding the application of Title X requirements to include pre-1978 child-occupied facilities
- Extending Title X abatement to soil-lead hazards surrounding housing constructed between 1960 and 1978.

The document is divided into three sections that discuss the purpose of the document (Section 1.0), the applicability of the various standards in different situations (Section 2.0), and a specific set of procedures and standards for different types of property transactions (Section 3.0). In addition, this document contains appendices that provide a glossary of definitions (Appendix A), details on the DoD policies that exceed Title X (Appendix B), Title X disclosure document templates (Appendix C and D), a list of useful technical references and guidance (Appendix E), frequently asked questions (Appendix F), and the superseded 1996 AFBCA LBP Interim Procedures (Appendix G).

¹ Appendix A contains a glossary of definitions.

² Note that the Title X standards contained in the statute generally apply to Target Housing. The HUD Section 1013 regulations that apply to property owned by a Federal agency other than HUD, however, use the term Residential Property. For clarity, these procedures use both terms to describe the scope of standards applicable to disposition of BRAC property.

Table 1 below summarizes the Title X LBP regulatory requirements and the DoD policies that exceed Title X. Table 2 further summarizes the Standards for the identification of LBP hazards on residential property, including standards for paint, dust, and soil pursuant to TSCA §403.

Table 1
Summary of LBP Regulatory and DoD Requirements

Provision	Requirements	Status	Regulatory Citation
Title X §1013	Evaluation and abatement of LBP hazards	Final HUD regulations promulgated 09/15/99, and effective 09/15/00.	24 CFR Part 35, Subparts B – R (24 CFR §§35.100 – 35.1355).
Title X §1018	Disclosure of known LBP and LBP hazards prior to sale or lease	Final HUD regulations Promulgated	24 CFR Part 35, Subpart A (24 CFR §§35.1 – 35.19)
TSCA §402	Training and certification requirements for LBP activities (such as inspection, risk assessment, and abatement)	Final EPA regulations promulgated	40 CFR Part 745, Subpart L (40 CFR §§745.220 – 745.230)
TSCA §403	Identification of LBP hazards, lead-contaminated dust, lead-contaminated soil	Final EPA regulations promulgated 01/05/01, and effective 03/06/01.	40 CFR Part 745, Subpart D (§§745.61 – 745.65)
DoD Policies that Exceed Title X	<ul style="list-style-type: none"> • Abatement of soil-lead hazards around 1960-1978 housing • Evaluation of soil-lead hazards to specific levels • Evaluate child-occupied facilities for LBP hazards and abate prior to transfer • Evaluate and abate LBP hazards in housing to be demolished and redeveloped as housing 	Effective 03/30/00. Currently being updated to reflect changes to TSCA §403 standards.	No regulatory citation. Standards described in the DoD/EPA Field Guide.

Table 2
TSCA §403 Lead Hazard Standards

Medium	Standard
Paint	<ul style="list-style-type: none"> • LBP on a friction surface where the lead concentration on the sill or floor is greater than the dust standard • Deteriorated paint on an impact surface • Any chewable surface with teeth marks • Any deteriorated paint on the interior or exterior of a residential or child-occupied facility.
Dust - Floors	• 40 micrograms of lead per square foot
Dust – Interior Window Sills	• 250 micrograms of lead per square foot
Soil – Play Areas	• 400 ppm of lead in bare soil
Soil – Rest of Yard	• 1200 ppm (average) of lead in soil in non-play areas

2.0 DETERMINING APPLICABLE PROCEDURES

These revised LBP procedures replace and supersede the August 16, 1996, Interim Operating Procedures for Management of Lead-Based at Air Force Base Realignment and Closure (BRAC) Installations (1996 Interim Procedures), effective August 16, 1996, to September 15, 2000. These revised procedures apply to transfers of Air Force BRAC target housing, residential property, and child-occupied facilities occurring on or after September 15, 2000. These revised procedures generally do not apply to:

- Nonresidential structures and property
- Housing built after January 1, 1978
- Housing exclusively used for the elderly or persons with disabilities (unless a child under age six (6) is expected to reside there)
- Zero bedroom dwellings (including military dormitories)
- Property that has been found to be free of LBP by a certified inspector ~~or~~ property from which all LBP has been removed
- Target housing and residential property not intended for residential occupancy, scheduled to be demolished, and unoccupied until demolition.

2.1 Identifying the Applicable AFBCA LBP Procedures and Standards

The applicability of the appropriate LBP requirements for any specific residential property, target housing, or child-occupied facility disposition is tied to the promulgated standards in effect on the date of the transfer agreement. The transferring agency must consider the regulations, DoD policies, and procedures in effect at the time of execution of the transfer agreement when identifying which LBP standards must be met for a property transfer.

Generally, three distinct sets of LBP standards must be considered when identifying the applicable standards for a property transfer:

- 1) The HUD/EPA Title X regulatory program, including Section 1013 (effective September 15, 2000)
- 2) The DoD/EPA Field Guide standards that exceed Title X (effective March 30, 2000)³
- 3) The August 16, 1996 Interim Operating Procedures for Management of LBP at Air Force BRAC Installations (effective August 16, 1996).

The applicability of these standards depends on the standards in effect on the date of the transfer agreement. Table 3 summarizes applicable LBP standards in relation to the date of the transfer agreement. Figure 1 provides a flow-chart to assist in identifying the applicable standards in effect for a particular transaction.

³ The Field Guide is currently being updated to reflect recent Title X program changes promulgated in the final January 5, 2001, TSCA 403 rule, which is effective March 6, 2001.

Table 3
Summary of Applicable LBP Standards by Transfer Contract Execution Date

	Contract Executed Prior to 3/30/00	Contract Executed From 3/30/00 To 9/14/00	Contract Executed From 9/15/00 To 3/05/01	Contract Executed On or After 3/06/01
2001 AFBCA Revised Procedures (See Section 3.0) ⁴				X
New HUD Title X Regulations (effective 9/15/00)			X	
DoD policies that exceed Subtitle X promulgated in the DoD/EPA Field Guide (See Appendix B)		X	X	X
1996 AFBCA Interim Procedures (See Appendix G)	X	X	X	

2.2 Use and Effect of the DoD/EPA Field Guide

In general, the DoD/EPA Field Guide should be used as a resource on the technical details of the evaluation, inspection, risk assessment, and abatement standards of Title X. The DoD/EPA Field Guide provides a useful summary of the standards and procedures contained in HUD's Title X §1013 regulations (effective September 15, 2000) that mandate identification, assessment, and abatement of LBP hazards.

The DoD/EPA Field Guide also established certain LBP standards that exceed Title X as a matter of DoD policy, as described in more detail in Appendix B. Decision makers must implement the DoD/EPA Field Guide standards that exceed Title X for all property transfer agreements executed after March 30, 2000. The DoD/EPA Field Guide is currently being updated to reflect changes promulgated in the final TSCA 403 rule, promulgated January 5, 2001 and effective March 6, 2001.

2.3 Use and Effect of the AFBCA 1996 Interim Procedures and the AFBCA 2001 Revised Procedures

These AFBCA Revised LBP Procedures (Section C) incorporate the elements of the final HUD Title X Section 1013 and 1018 regulatory program, and the final TSCA Section 402 and 403 regulatory programs. These procedures, therefore, update and supersede the 1996 Interim Operating Procedures. The 1996 Interim Procedures describe the procedures applicable to the transfer, sale, and lease of Air Force BRAC residential property, target housing, and child-occupied facilities for all transactions occurring before September 15, 2000. A copy of the 1996 Procedures is provided in Appendix G.

This distinction is important because most Air Force BRAC target housing and residential property is included in transfer agreements such as EDCs, PBCs, and Negotiated Sales which were executed prior to September 15, 2000 (the effective date of the Title X Section 1013 regulations) and recent DoD LBP policies that expand LBP standards beyond Title X which became effective March 30, 2000 (See

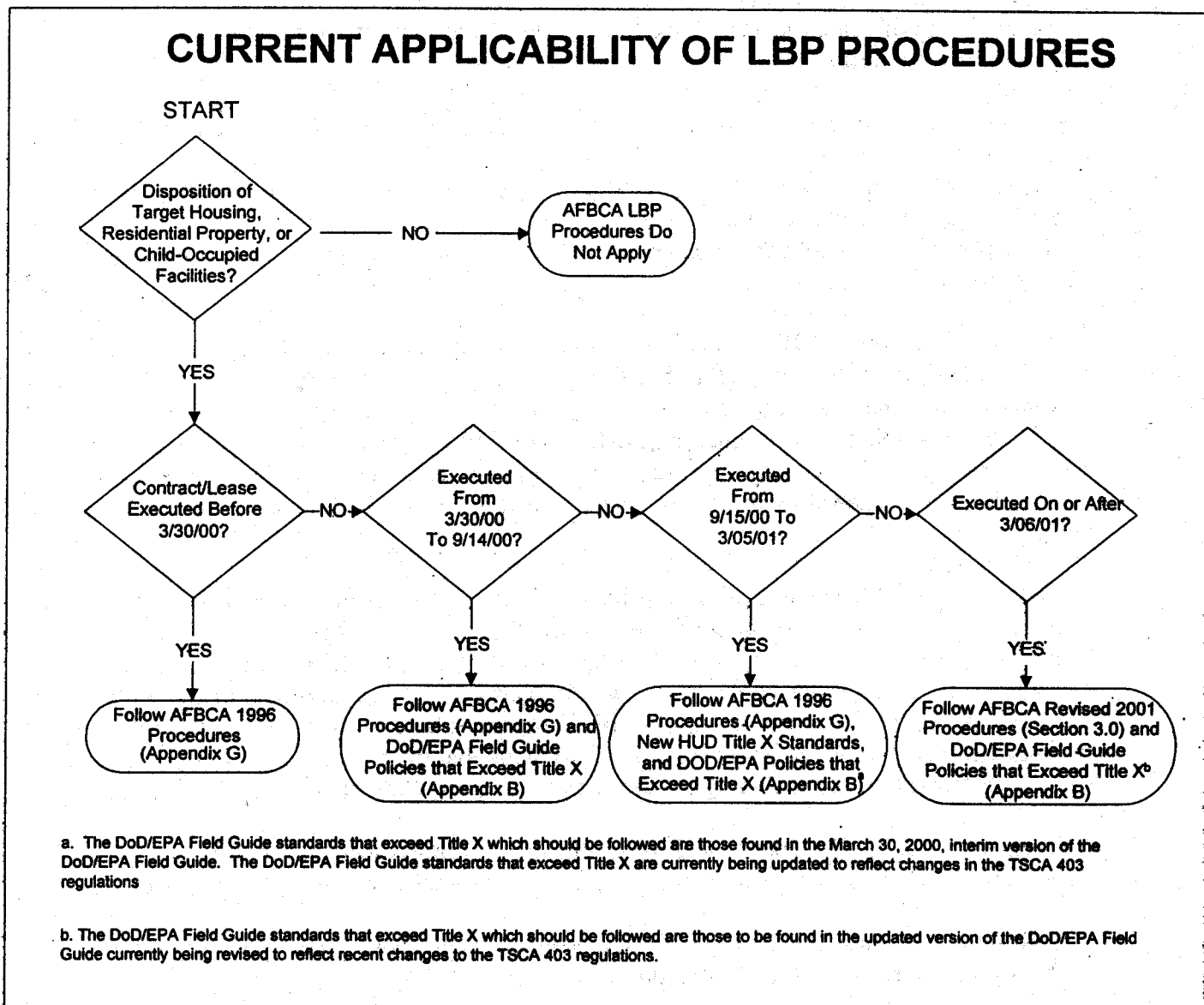
⁴ Note that the procedures described in Section 3.0 include all new HUD/EPA Title X standards, including the HUD Section 1013 and 1018 regulations, and TSCA 402 and 403 regulations.

Appendix B). Therefore, in many circumstances, the 1996 AFBCA Interim Procedures should be used when identifying the applicable LBP standards and procedures for a property transaction.

2.4 Applicable LBP Procedures Decision Process

Figure 1 provides a decision tree flow chart for determining the applicable LBP standards for any particular Air Force BRAC residential property, target housing, or child-occupied facility transaction.

Figure 1
Applicable LBP Procedures Decision Process



3.0 GUIDANCE

The following procedures update and revise AFBCA's 1996 Interim Operating Procedures for Management of LBP at Air Force BRAC Installations and apply to all transactions occurring on or after September 15, 2000. Table 4 at the end of this section summarizes the applicable procedures for each type of disposition occurring on or after September 15, 2000.

3.1 Leases of Target Housing and Residential Property to Non-Federal Entity

- a. The following procedures for lease of target housing and residential property **do not** apply to:
 - (1) Properties that have been found to be lead-based paint free by a certified inspector. The Lessor has the option of using the results of additional test(s) by a certified inspector to confirm or refute a prior finding.
 - (2) Short-term leases of 100 days or less, where no lease renewal or extension can occur.
 - (3) Renewals of existing leases in which the Lessor has previously disclosed all information required below and where no new information has come into the possession of the Lessor. For the purposes of this paragraph, renewal includes both renegotiation of existing lease terms and/or ratification of a new lease.
- b. AFBCA will perform an LBP evaluation of target housing and residential property constructed prior to 1978 for LBP hazards within six (6) months prior to lease, using trained and certified personnel. They shall identify lead-contaminated dust, deteriorated LBP surfaces, friction, impact, or accessible surfaces containing LBP, and lead contaminated soil (based upon existing LBP inspection results) to the Lessee as potential LBP hazards. Deteriorated surfaces and friction, impact or chewable surfaces will be assumed to contain LBP unless inspection results show otherwise.
- c. All LBP hazards will be abated prior to residential occupancy or common occupancy by children under age six (6). This requirement will be assumed by the Lessee as part of the Lease agreement. The lease agreement will require the Lessee to abate the LBP hazards. Interim controls may be used for interim leases of five (5) years or less, with approval of the AFBCA/DR. The LBP hazards will be abated using a certified contractor before occupancy of the property as residential property. The lease must include a provision that the Lessee send a copy of the certified abatement report, including clearance testing report, to AFBCA.
- d. The Lessee will be made responsible through the lease for monitoring the condition of painted surfaces for LBP hazards and eliminating any hazards that develop during the term of the Lease.
- e. The following activities shall be completed before the Lessee is obligated under any lease which includes target housing and residential property.
 - (1) AFBCA shall provide the Lessee with an EPA-approved lead hazard information pamphlet. Such pamphlets include the EPA document entitled *Protect Your Family from Lead in Your Home*. An equivalent pamphlet has been approved for use in a State by EPA may also be used.

- (2) AFBCA shall disclose to Lessee the presence of any known LBP and/or LBP hazards in the target housing and residential property being leased. AFBCA shall also disclose any additional information available concerning the known LBP and/or LBP hazards, such as the basis for determination that LBP and/or LBP hazards exist, the location of the LBP and/or LBP hazards, and the condition of the painted surfaces.
- (3) AFBCA shall provide the Lessee with any available records or reports pertaining to LBP and/or LBP hazards in the target housing and residential property to be leased. This requirement includes records and reports regarding other residential dwellings in multi-family target housing, provided that such information is part of an evaluation or reduction of LBP and/or LBP hazards in the residential property or target housing as a whole.
- f. Each contract to lease target housing and residential property shall include, as an exhibit to the contract, the following elements. A sample disclosure format for target housing and residential property leases is provided at Appendix C
 - (1) The Lead Warning Statement required by 24 CFR §35.9(b)(1).
 - (2) A statement by AFBCA disclosing the presence of known LBP and/or LBP hazards in the target housing being leased or indicating no knowledge of the presence of LBP and/or LBP hazards.
 - (3) A list of any records or reports available to the Air Force pertaining to LBP and/or LBP hazards in the housing that have been provided to the Lessee.
 - (4) A statement by the Lessee affirming receipt of the information set out in paragraph 3.1.e above.
 - (5) The signature of AFBCA and the Lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of signature.
- g. The inspection, management, and disclosure requirements stated above do not apply if the Lease prohibits use of the facilities rented for residential occupancy and common occupancy by children under six (6) years of age.
- h. These procedures apply to interim leases, leases in furtherance of conveyance, and lease renewals. However, a deed of conveyance cannot be granted until the requirements of Title X (see conveyance requirements described below) are met.

3.2 Transfers of Target Housing and Residential Property to Federal Agencies for Ultimate Disposition to Non-Federal Entity

The following procedures apply:

- a. For target housing and residential property that will be transferred or assigned to another Federal Agency (e.g., for public benefit conveyance), ensuring Title X requirements are met, including requirements for the abatement of LBP hazards by the receiving Agency's ultimate transferee, will become the responsibility of the receiving Agency. AFBCA will:
 - (1) Advise the sponsoring agency of the applicability to Title X to the property.

- (2) Provide the Environmental Protection Agency lead hazard information pamphlet, *Protect Your Family from Lead in Your Home*.
 - (3) Perform a LBP evaluation (evaluation includes an LBP inspection and/or a risk assessment) for LBP and LBP hazards to the extent required by Title X and applicable regulations using trained and certified personnel.
 - (4) Provide disclosure of the presence of any known LBP or LBP hazards and any LBP inspection and hazard evaluation reports available for the facilities.
- b. TSCA Section 403 defines a soil-lead hazard as concentrations of lead in bare soil of 400 ppm or higher in a child's play area, or concentrations of lead in bare soil of 1200 ppm or higher on average in the rest of the yard. In addition, DoD, as a matter of policy, defines lead concentrations in bare soil surrounding a dwelling unit that are greater than 400 ppm and less than 1200 ppm (excluding any child play areas, as concentrations above 400 ppm are already defined as a soil-lead hazard pursuant to TSCA 403) as a potential soil-lead hazard. Such a potential soil-lead hazard will be evaluated through a LBP inspection and/or risk assessment for the need for abatement, interim controls, or no action. The level of action will be determined by the LBP evaluation. In evaluating each of these alternatives, the risk assessor should consider the relative proximity to children's play areas, the potential for dust generation, the areal extent of bare soil available for exposure, state and local requirements, as well as the feasibility of any potential control options.
- c. If the target housing to be disposed is scheduled for demolition and redevelopment as residential property, the receiving Agency's ultimate transferee will evaluate the property for soil-lead hazards after demolition of the existing target housing. The receiving Agency's ultimate transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings. This standard is a DoD policy and is described in more detail in Appendix B.

3.3 Conveyances of Target Housing and Residential Property to Non-Federal Entities

The following procedures apply to Air Force target housing and residential property being conveyed to a non-Federal entity:

- a. Target housing and residential property constructed after 1959 and before 1978.
 - (1) Target housing and residential property constructed after 1959 and before 1978 must be evaluated (evaluation includes an LBP inspection and/or a risk assessment) for LBP and LBP hazards to the extent required by Title X and applicable regulations using trained and certified personnel.
 - (2) Findings will be documented in an LBP survey report, and the results will be incorporated into the Environmental Baseline Survey (EBS) or any supplemental EBS.
 - (3) The evaluation of LBP and LBP hazards must be completed by AFBCA and must be completed before closing of the sale.

- (4) Note that there is no Title X LBP hazard abatement requirement for the conveyance of such property. DoD policy, however, does require abatement of soil-lead hazards. See Sections 3.2.c and 3.2.d below.

b. Target housing and residential property constructed before 1960.

- (1) Target housing and residential property constructed before 1960 must be evaluated (evaluation includes an LBP inspection and/or risk assessment) for LBP and LBP hazards to the extent required by Title X and applicable regulations by trained and certified personnel.
- (2) LBP evaluation findings will be documented in an LBP survey report, and the results will be incorporated into the Environmental Baseline Survey (EBS) or any supplemental EBS.
- (3) Any risk assessment used for the identification of hazards to be abated shall be performed no more than 12 months before the beginning of abatement.
- (4) All LBP hazards identified must be abated before occupancy of the property as residential property.
- (5) The abatement requirement will be assumed by a responsible transferee through the contract for transfer, and will require the transferee to abate LBP hazards using trained and certified contractors in accordance with Title X before occupancy of the property as residential property. It is AFBCA's responsibility to ensure that the abatement is completed.
- (6) It is AFBCA's responsibility to ensure that the abatement is completed. Because the transferee/purchaser will abate the LBP hazards, the contract for sale must also include a contractual condition that the purchaser send a copy of the certified abatement report, including clearance testing report, to AFBCA.
- (7) There may be some instances where the transferee/purchaser does not intend to use the housing as a residence until after it is renovated but needs the title to the property in order to obtain funding for the renovation project. In that case, an agreement to abate the LBP hazard by a certified contractor during renovation and prior to use may be made a condition of the sale contract. Certification of abatement and clearance testing after abatement shall be made by trained and certified personnel in compliance with Title X, and the results shall be provided immediately to the Air Force by the transferee in the form of a certified abatement report, including clearance testing report.

c. Soil-Lead standards. In addition to the Title X requirements for identification and abatement of LBP hazards, the following soil-lead standards apply to the disposition of Air Force BRAC property.

- (1) For target housing constructed before 1978, all soil-lead hazards surrounding the target housing will be abated. The transferee/purchaser will be required to perform the soil abatement as part of the transfer agreement. The contract for sale must also include a contractual condition that the transferee/purchaser send a copy of the certified abatement report, including clearance testing report, to AFBCA. It is AFBCA's responsibility to ensure that the abatement is completed. This standard is a DoD policy and is described in more detail in Appendix B.

(2) TSCA Section 403 defines a soil-lead hazard as concentrations of lead in bare soil of 400 ppm or higher in a child's play area, or concentrations of lead in bare soil of 1200 ppm or higher on average in the rest of the yard. In addition, DoD, as a matter of policy, defines lead concentrations in bare soil surrounding a dwelling unit that are greater than 400 ppm and less than 1200 ppm (excluding any child play areas, as concentrations above 400 ppm are already defined as a soil-lead hazard pursuant to TSCA 403) as a potential soil-lead hazard. Such a potential soil-lead hazard will be evaluated through a LBP inspection and/or risk assessment for the need for abatement, interim controls, or no action. The level of action will be determined by the LBP evaluation. In evaluating each of these alternatives, the risk assessor should consider the relative proximity to children's play areas, the potential for dust generation, the areal extent of bare soil available for exposure, state and local requirements, as well as the feasibility of any potential control options.

(3) If the target housing to be disposed is scheduled for demolition and redevelopment as residential property, the transferee will evaluate the property for soil-lead hazards after demolition of the existing target housing. The transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings. The contract for sale must also include a contractual condition that the transferee/purchaser send a copy of the certified abatement report, including clearance testing report, to AFBCA. It is AFBCA's responsibility to ensure that the abatement is completed. This standard is a DoD policy and is described in more detail in Appendix B.

(4) Soil sampling in accordance with Title X and HUD guidelines should include soils surrounding certain structures (water towers, communication towers, and bridges) located in or adjacent to residential areas. This standard is a DoD policy and is described in more detail in Appendix B.

d. The following activities shall be completed before a transferee is obligated under any contract to purchase target housing or residential property.

(1) AFBCA shall provide the transferee with an EPA-approved lead hazard information pamphlet. Such pamphlets include the EPA document entitled *Protect Your Family from Lead in Your Home*, or an equivalent pamphlet that has been approved for use in a State by EPA.

(2) AFBCA shall disclose to the transferee the presence of any known LBP and/or LBP hazards in the target housing or residential property being sold. AFBCA shall also disclose any additional information available concerning the known LBP and/or LBP hazards, such as the basis for the determination that LBP and/or LBP hazards exist, the location of the LBP and/or LBP hazards, and the condition of the painted surfaces.

(3) AFBCA shall provide the transferee with any available records or reports pertaining to LBP and/or LBP hazards in the target housing or residential property to be sold. This requirement includes records and reports regarding other residential dwellings in multifamily target housing, provided that such information is part of an evaluation or reduction of LBP and/or LBP hazards in the target housing or residential property as a whole.

(4) AFBCA shall permit the purchaser of target housing or residential property a 10-day period (unless AFBCA and the purchaser mutually agree, in writing, upon a different period of time) to conduct an evaluation (inspection and/or risk assessment) for the presence of LBP and/or LBP hazards.

e. Each contract to sell target housing or residential property shall include, as an exhibit to the contract, the following elements. A sample disclosure format for target housing and residential property sales is provided at Appendix D.

- (1) The Lead Warning Statement required by 24 CFR §35.9(a)(1).
 - (2) A statement by AFBCA disclosing the presence of known LBP and/or LBP hazards in the target housing being sold or indicating no knowledge of the presence of LBP or LBP hazards.
 - (3) A list of any records or reports available to the Air Force pertaining to LBP and or LBP hazards in the housing that have been provided to the purchaser.
 - (4) A statement by the purchaser affirming the receipt of the information set out in paragraph 3.3.e. above.
 - (5) A statement by the purchaser that he/she has either (a) received the opportunity to conduct a risk assessment or inspection, or (b) waived the opportunity.
 - (6) If the contract for sale places responsibility for abatement on the purchaser, a provision that the purchaser will send a copy of the certified abatement report, including the clearance testing report, to AFBCA.
 - (7) The signature of AFBCA and purchasers, certifying to the accuracy of the their statements, to the best of their knowledge, along with the dates of signature.
- f. The evaluation, abatement, and disclosure requirements discussed above will not be required if the transferee certifies that the housing: (1) will be demolished; (2) will only be used for nonresidential use; and (3) is unoccupied at the time of demolition; or (3) falls within the authorized exceptions of Title X. A disclosure notice regarding the certification must be included in the contract for sale or transfer and the deed.

3.4 Conveyances of Child-Occupied Facilities

As a matter of DoD policy, child-occupied facilities (day care centers, preschools, and kindergarten classrooms visited regularly by children under 6 years of age) located on residential real property that will be reused as child-occupied facilities following transfer will be evaluated for LBP hazards. Hazards identified will be abated by the transferee prior to use as a child-occupied facility. This standard is a DoD policy and is described in more detail in Appendix B.

3.5 Conveyances of Facilities Other than Target Housing, Residential Property, and Child-Occupied Facilities.

AFBCA shall provide notification to Lessees and transferees of facilities other than target housing, residential property, and child-occupied facilities of the possible presence of LBP, as well as any actual knowledge the Air Force has on the presence of LBP. The lease or deed will contain restrictions making the Lessee or transferee responsible for managing all LBP in accordance with all applicable laws and

regulations. Any lease of such property will include lease restrictions prohibiting residential use or common use by children under six (6), unless LBP hazards are abated or managed through interim controls.⁵

3.7 Other Requirements

Air Force BRAC bases will comply with all other applicable Federal, State, Tribal, and local environmental protection and Occupational Safety and Health (OSHA) laws and regulations relating to LBP.

- a. The Occupational Safety and Health Administration (OSHA) Construction Standard for Lead Exposure (29 CFR §1926.62) applies to all construction work where an employee may be occupationally exposed to lead (e.g., work on a surface with any measurable detection of lead). Employers are required to establish and implement a written compliance program that includes a description of each activity and a description of the specific means that will be employed to comply with the provisions of 29 CFR.
- b. LBP waste and debris will be evaluated and managed in accordance with the Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSCA), and applicable State and local transportation, treatment, storage, and disposal laws and regulations.
- c. Although EPA has concluded that the release of lead to soil from LBP structures falls within the CERCLA definition of a hazardous substance release, EPA and DoD have agreed that for the majority of situations involving target housing, Title X is sufficiently protective to address the hazards posed by LBP.

⁵ Although either interim controls or abatement are allowed prior to residential occupancy or common occupancy by children under age six (6), by practice the Air Force preference is to have abatement performed, rather than interim controls. AFBCA/DR must concur on the use of interim controls rather than abatement before allowing interim controls.

Table 4
Requirements for Disposition of Property, Transactions Occurring after September 15, 2000
Items in bold are requirements that exceed Title X pursuant to DoD Policy

Transaction	Building Construction Period	Disposition of Target Housing and Residential Property	Disposition of Target Housing Scheduled for Demolition and Redevelopment as Residential Property	Disposition of Target Housing and Residential Property Scheduled for Redevelopment for Non-Residential Use ⁶	Disposition of Child-Occupied Facilities	Disposition of Other Facilities
Transfer to Other Federal Entity for Ultimate Disposition to Non-Federal Entity	Pre-1978	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Notice and Disclosure of known LBP hazards LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide any available LBP inspection and hazard evaluation reports Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm⁶, excluding children's play areas). Action determined by LBP Evaluation. Sponsoring Agency's ultimate transferee will abate soil-lead hazards surrounding target housing. 	<ul style="list-style-type: none"> Sponsoring Agency's ultimate transferee will evaluate for soil-lead hazards after demolition of the existing target housing Sponsoring Agency's ultimate transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings 	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Notice of possible LBP hazards and disclosure of actual knowledge of presence of LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Sponsoring Agency's ultimate transferee will abate identified hazards prior to use as a child-occupied facility 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	Pre-1960	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide results of LBP Evaluation Abatement of LBP Hazards by trained and certified personnel Notice and Disclosure of LBP Hazards Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm⁷, excluding children's play areas). Action determined by LBP Evaluation. Abate soil-lead hazards surrounding target housing. Clearance Testing Results 	<ul style="list-style-type: none"> Transferee will evaluate for soil-lead hazards after demolition of the existing target Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings Clearance Testing Results 	<ul style="list-style-type: none"> Notice of possible LBP hazards and disclosure of actual knowledge of presence of LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Transferee will abate identified hazards prior to use as a child-occupied facility Clearance Testing Results 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	1960-1977	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide results of LBP Evaluation Notice and Disclosure of LBP Hazards Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm⁶, excluding children's play areas). Action determined by LBP Evaluation. Abate soil-lead hazards surrounding target housing. Clearance Testing Results 	<ul style="list-style-type: none"> Transferee will evaluate for soil-lead hazards after demolition of the existing target housing Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings Clearance Testing Results 	<ul style="list-style-type: none"> Notice of possible LBP and disclosure of actual knowledge of presence of LBP Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Transferee will abate identified hazards prior to use as a child-occupied facility Clearance Testing Results 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Lease to Non-Federal Entity ⁸	Pre-1978	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide results of LBP Evaluation Notice and Disclosure of LBP Hazards Lessee must abate, using trained and certified personnel, prior to occupancy Clearance Testing Results 		<ul style="list-style-type: none"> Notice of possible LBP and disclosure of actual knowledge of presence of LBP Lease restrictions making Lessee responsible for abating LBP and prohibiting residential or common use by children under six (6) 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey Lease restrictions making Lessee responsible for abating LBP and prohibiting residential or common use by children under six (6)

⁶ Title X applies to conveyances of property that is currently residential property but will be used for nonresidential purposes, unless the buildings are to be demolished, are unoccupied at the time of sale, and will remain unoccupied until demolition. If these conditions are met, Title X does not apply. Table 3 assumes that these conditions are met.

⁷ The 1200 ppm standard is pursuant to the final TSCA 403 regulations. The March 30, 2000 Field Guide standard is 2000 ppm.

⁸ Title X does not apply to leases, except for notice and disclosure. Lease requirements are pursuant to AFBCA policy.

APPENDIX A – LBP TERMS AND DEFINITIONS

Unless otherwise specified, definitions in this appendix are derived from Title X §§1013 and 1018 and TSCA §§ 402 and 403, and the applicable current implementing regulations

Abatement Any set of measures designed to permanently eliminate lead-based or lead-based paint hazards (see definition of "permanent"). Abatement includes: (1) The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and (2) All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

Certified* Licensed or certified to perform such activities as LBP evaluation, LBP risk assessment, LBP paint inspection, or abatement supervision, either by a State or Indian tribe with a lead-based paint certification program authorized by the Environmental Protection Agency (EPA), or by EPA, in accordance with 40 CFR 745, subparts L or Q.

Child-Occupied Facility⁹ A building, or portion of a building, constructed prior to 1978, visited regularly by the same child, less than 6 years of age, on at least two different days within any week (Sunday through Saturday), provided that each day's visit lasts at least 3 hours, that the combined weekly visits last at least 6 hours, and that the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools, and kindergarten classrooms (40 CFR Part 745.223).

Clearance Examination* An activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards exist in the dwelling unit or worksite. The clearance process includes a visual assessment and collection and analysis of environmental samples. Dust lead standards for clearance are found at 24 CFR §35.1430.

Clearance Levels* Values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity. Dust lead standards for clearance are found at 24 CFR §35.1430.

Clearance Report* Report that provides documentation of the hazard reduction or maintenance activity, as well as the clearance examination. Note that when abatement is performed, an abatement report, rather than a clearance report, is prepared. See 24 CFR §35.1340(c) and 40 CFR §745.227(e).

Common Area A portion of a residential property that is available for use by occupants of more than one dwelling unit. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, on-site day care facilities, garages, and boundary fences.

* This definition was not included in the Interim Operating Procedures (8/16/96). This new definition is provided based upon changes in LBP regulations presented in the Final HUD Section 1013 Rule (9/15/99).

⁹ The term "child-occupied facility" is taken from the TSCA Section 402 training and certification regulations (40 CFR §§745.220 – 745.239). It is included here because it is used in the DoD policies which exceed Title X applicable to property transfers summarized in Appendix B, and because of the training and certification standards that apply at child-occupied facilities.

Deteriorated Paint¹⁰ Any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

Dust-Lead Hazard Means surface dust that contains a dust-lead loading (area concentration of lead) at or exceeding the levels promulgated by the EPA pursuant to Section 403 of the Toxic Substances Control Act (TSCA) or, if such levels are not in effect, the standards in 24 CFR §35.1320.

Dwelling Unit* Means a (1): Single-family dwelling, including attached structures such as porches and stoops; or (2) Housing unit in a structure that contains more than one separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of one or more persons.

Encapsulation¹¹ The application of a covering or coating that acts as a barrier between the lead-based paint and the environment and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent (see definition of "permanent").

Evaluation* A risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

Federally Owned Property* Residential property owned or managed by a Federal agency, or for which a federal agency is a trustee or conservator.

Hazard Reduction* Measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

Inspection* See Lead -based paint inspection.

Interim Controls¹² A set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

Lead-Based Paint¹³ Paint or other surface coatings that contains lead equal to or exceeding 1.0 milligram per square centimeter (mg/cm²) or 0.5percent by weight or 5,000 parts per million (ppm) by weight.

Lead-Based Paint Evaluation* See Evaluation.

¹⁰ The definition provided in the Interim Operating Procedures (8/16/96) is for deteriorated lead-based paint only and does not reference general painted and/or coated surfaces.

¹¹ The definition provided in the Interim Operating Procedures (8/16/96) does not refer to encapsulation as an "application" of a covering. In addition, the definition does not discuss encapsulation as an abatement method.

¹² The Interim Operating Procedures (8/16/96), included elements of interim controls (i.e., monitoring conducted by owners, and reevaluations conducted by professionals) and examples of interim controls (i.e., dust removal, paint film stabilization, treatment of friction and impact surfaces, installation of soil coverings, and land-use controls). The final HUD Section 1013 rule uses the term "likely exposure" rather than "possible exposure."

¹³ The definition provided in the Interim Operating Procedures (8/16/96) references the use of X-ray fluorescence (XRF) or laboratory analysis when concentrations are equal to or greater than 1.0 mg/cm², and laboratory analysis when concentrations are 0.5% by weight.

Lead-Based Paint Hazard Hazardous lead-based paint, dust-lead hazard, or soil lead-hazard as identified in 40 CFR §745.65.

Lead-Based Paint Inspection¹⁴ A surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

Lead Hazard Screen* A limited risk assessment activity that involves paint testing and dust sampling and analysis as described in 40 CFR 745.227 (c) and soil sampling and analysis as described in 40 CFR 745.227(d).

Paint Testing* Means the process of determining, by a certified lead-based paint inspector or risk assessor, the presence or the absence of lead-based paint on deteriorated paint surfaces or painted surfaces to be disturbed or replaced.

Play Area An area of frequent soil contact by children of less than 6 years of age as indicated by, but not limited to, such factors including the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

Permanent* Means an expected design life of at least 20 years.

Residential Dwelling See dwelling unit.

Residential Property A dwelling unit, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences, play equipment affixed to the land, belonging to an owner and available for use by residents, but not including land used for agricultural, commercial, industrial and other non-residential purposes, and not including paint on the pavement of parking lots, garages, or roadways.

Residential Real Property¹⁵ Real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

Risk Assessment¹⁶ (1) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and (2) The provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

Single Room Occupancy* Housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both (see Zero-bedroom dwelling).

¹⁴ In the Interim Operating Procedures (8/16/96) the term "Inspection (of paint)" is defined and mentions the potential need for dust and soil sampling during the course of an "Inspection."

¹⁵ This definition is taken from Section 1004 of the Title X statute, and the definition of "contract for sale of residential real property" found in the HUD disclosure regulations at 24 CFR §35.7. It is included here because it is used in the DoD policies which exceed Title X applicable to property transfers. These standards are summarized in Appendix B.

¹⁶ The specificity of the definition presented in the final Section 1013 rule (9/15/99) has been reduced to minimize regulatory rigidity and to avoid potential conflict with EPA regulatory definitions and work practice standards. The definition presented in the final Section 1013 rule differs from that which was presented in the Interim Operating Procedures (8/16/96) in that it does not provide the specific information on the components of a risk assessment.

Soil-Lead Hazard* Bare soil on residential property that contains lead equal to or exceeding levels promulgated by the USEPA pursuant to Section 403 of the Toxic Substances Control Act (currently 400 ppm in play areas, or average of 1200 ppm of bare soil in the rest of the yard based on soil samples).

Standard Treatments* Means a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.

Target Housing¹⁷ Any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child of less than 6 years of age resides, or is expected to reside, in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling. In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, HUD may designate an earlier date.

Visual Assessment* Looking for, as applicable: (1) Deteriorated paint; (2) Visible surface dust, debris and residue as part of a risk assessment or clearance examination; or (3) The completion or failure of a hazard reduction measure.

Zero-Bedroom Dwelling* Any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military dormitories, and rentals of individual rooms in residential dwellings (see Single room occupancy (SRO)).

¹⁷ The definition provided in the Interim Operating Procedures (8/16/96) does not specifically reference a "zero-bedroom dwelling" but rather refers to dwellings that do not contain bedrooms. In addition, the former definition does not discuss the jurisdictions for which HUD may designate earlier dates under which a unit will be considered as target housing.

APPENDIX B – DOD REQUIREMENTS THAT EXCEED TITLE X

Background

In December of 1999, DoD and EPA produced the Interim Final Lead-Based Paint Guidelines for Disposal of DoD Residential Real Property – A Field Guide (DoD/EPA Field Guide). This DoD/EPA Field Guide was approved and distributed via the January 7, 2000, memorandum entitled "DoD Lead Based Paint Policy for Disposal of Residential Real Property" from ODUSD(ES).

The DoD/EPA Field Guide outlines the standards for LBP issues associated with DoD residential property disposal mandated by Title X Section 1013 and the Toxic Substances Control Act Sections 402, 403, and 404. The DoD/EPA Field Guide also provides a map to decision makers regarding the applicability of Title X versus CERCLA at lead-contaminated Air Force BRAC properties.

In addition, the DoD/EPA Field Guide presents LBP requirements that apply to the disposal of target housing, residential property, and child-occupied facilities as a matter of DoD policy. These requirements represent DoD's commitment to exceed what is strictly required by law to ensure that actions taken are protective of children by expanding the application of Title X to include pre-1978 child-occupied facilities, and by extending Title X requirements to soil-lead hazards from housing constructed between 1960 and 1978, ensuring that all soil-lead hazards are abated regardless of the age of the housing.

Applicability

The effective date for these DoD policies¹⁸ is March 30, 2000.¹⁹ Most Air Force BRAC residential properties are included in transfer agreements such as EDCs, PBCs, and Negotiated Sales executed prior to March 30, 2000.

The DoD policies contained in the DoD/EPA Field Guide that exceed Title X do not apply to:

- Property not scheduled to be transferred.
- Structures not contained within the definition of residential real property. Residential real property does not include schools, shopping malls, churches, military dormitories, or other non-residential structures.
- Residential dwellings constructed after January 1, 1978.
- Housing designated exclusively for the elderly or persons with disabilities (unless a child younger than six (6) years of age also resides, or is expected to reside in such housing) or any zero-bedroom dwelling (such as military dormitories).
- Leased property or other property not subject to disposition.
- Residential real property not intended for residential occupancy or use as a child-occupied facility following transfer.
- Residential real property included in transfer agreements executed prior to March 30, 2000.

¹⁸ DoD also has a policy, not promulgated in the Field Guide, that soil sampling in accordance with Title X and HUD guidelines should include soils surrounding certain structures (water towers, communication towers, and bridges) located in or adjacent to residential areas.

¹⁹ Note that DoD is in the process of updating the Field Guide standards that exceed Title X to account for changes promulgated in the Final TSCA 403 rules, effective March 6, 2001. Therefore, the revised Field Guide standards should be used for all transactions on or after March 6, 2001.

DoD LBP Policies that Exceed Title X

The following bullets summarize the DoD policies that exceed Title X contained in the DoD/EPA Field Guide:

- Soil-lead hazards surrounding target housing constructed between 1960 and 1978 will be abated (Title X requires abatement of LBP hazards in target housing constructed prior to 1960). The transfer agreement may require the purchaser to perform the abatement activities.
- DoD defines lead concentrations in bare soil surrounding a dwelling unit that are greater than 400 ppm and less than 1200 ppm (excluding any child play areas, as concentrations above 400 ppm are already defined as a soil-lead hazard pursuant to TSCA 403) as a potential soil-lead hazard. Such a potential soil-lead hazard will be evaluated through a LBP inspection and/or risk assessment for the need for abatement, interim controls, or no action. The level of action will be determined by the LBP evaluation. In evaluating each of these alternatives, the risk assessor should consider the relative proximity to children's play areas, the potential for dust generation, the areal extent of bare soil available for exposure, state and local requirements, as well as the feasibility of any potential control options.
- Evaluate LBP hazards of residential real property that will be reused as child-occupied facilities (day care centers, preschools, and kindergarten classrooms visited regularly by children under six (6) years of age) following transfer. Hazards identified will be abated by the transferee prior to use as a child-occupied facility.
- Target housing that will be demolished and redeveloped as residential real property following transfer will be evaluated by the transferee for soil-lead hazards after demolition of the existing target housing units. Abatement of any soil-lead hazards will be conducted by the transferee prior to occupancy of any newly constructed dwellings.

APPENDIX C - Title X Disclosure Format for Target Housing Rentals and Leases

Disclosure of Information on Lead-Based Paint and Lead Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a federally approved pamphlet on lead poisoning prevention.

Lessors Disclosure (initial)

_____ (a) Presence of lead-based paint or lead-based hazards (check one below):

1

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain)

1

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

_____ (b) Records and reports available to the lessor (check one below):

1

Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

1

Lessor has no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgement (initial)

_____ (c) Lessee has received copies of all information listed above.

_____ (d) Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgement (initial)

_____ (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4582(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

Lessor Date

Lessor Date

Lessee Date

Lessee Date

Agent Date

Agent Date

APPENDIX D – Title X Disclosure Format for Target Housing Sales

TITLE X Disclosure Format for Target Housing Sales Disclosure of Information on Lead-Based Paint and Lead Based Paint Hazards

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Sellers Disclosure (initial)

_____ (a) Presence of lead-based paint and/or lead-based hazards (check one below):

☒ 1 Known lead-based paint and/or lead-based paint hazards are present in the housing (explain)

☐ 1 Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

_____ (b) Records and reports available to the lessor (check one below):

☒ 1 Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

☐ 1 Seller has no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgement (initial)

_____ (c) Lessee has received copies of all information listed above.

_____ (d) Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

_____ (e) Purchaser has (check one below):

☒ 1 Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection or the presence of lead-based paint and/or lead-based paint hazards; or

☐ 1 Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgement (initial)

_____ (f) Agent has informed the lessor of the seller's obligations under 42 U.S.C. 4582(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

Seller Date

Seller Date

Agent Date

Agent Date

Purchaser Date

Purchaser Date

APPENDIX E – REFERENCES AND GUIDANCE

Alliance to End Childhood Lead Poisoning. EPA's National Guidelines for Lead Hazards in Dust, Soil, and Paint: A Summary and Analysis. August 1994.

Consumer Product Safety Commission. CPSC Staff Recommendations for Identifying and Controlling Lead Paint on Public Playground Equipment. October, 1996.
<http://www.cpsc.gov/cpscpub/pubs/lead/6006.html>

Housing and Community Development Act of 1992. Public Law 102-550. October 1992, Title X, Residential Lead-Based Paint Hazard Reduction Act of 1992, amended by the Toxic Substances Control Act. <http://www.hud.gov/lea/leatilex.html>

HUD. A Field Test of Lead-Based Paint Testing Technologies: Summary Report (May 1995, EPA Pub. No. 747-R-95-002a) <http://www.hud.gov/lea/leatests.pdf>

HUD. Data Analysis of Lead in Soil and Dust, September 1993. <http://www.hud.gov/lea/leadust.pdf>

HUD. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995 (including the September 1997 revision of Chapter 7: Lead-Based Paint Inspection)
<http://www.hud.gov/lea/learules.html>

HUD. Interpretive Guidance, The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold, September 21, 2000.
http://www.hud.gov/lea/1012QA_final_sept21.PDF

HUD. Lead-Based Paint: Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing. Washington, D.C. :U.S. Government Printing Office, 1990 rev. 1991.

HUD. Lead Paint Safety, A Field Guide for Painting, Home Maintenance, and Renovation Work. June 1999.

HUD. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Target Residential Property Being Sold - Questions and Answers. 16 September 1999. <http://www.hud.gov/lea/1012qa.pdf>

HUD/EPA. Requirement for Disclosure of Known Lead-Based Paint Hazards in Housing. Final Rule. 61 FR 9064. 6 March 1996. <http://www.hud.gov/lea/1018.pdf>

EPA. Clarification of the 1994 Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities. Office of Solid Waste and Emergency Response. Directive 9200.4-27P, August 27, 1998.

EPA. EPA Lead Hazard Information Pamphlet: Protect Your Family From Lead in Your Home. April 1999. <http://www.hud.gov/lea/leapame.pdf>

EPA. Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil, EPA, 14 July 1994.

EPA. Identification of Dangerous Levels of Lead. Proposed Rule. 63 FR 30302. 3 June 3, 1998. <http://www.hud.gov/lea/epa403.pdf>

EPA. Identification of Dangerous Levels of Lead. Final Rule. 66 FR 1206. 5 January 2001. <http://www.epa.gov/fedrgstr/EPA-TOX/2001/Jan/Day-05/>

EPA. Interim Guidance on the Identification of Lead-Based Paint Hazards. 60 FR 47248. 11 September 1995. <http://www.epa.gov/opptintr/lead/index.html>

EPA. Management and Disposal of Lead-Based Paint Debris. Proposed Rule. 63 FR 70190. 18 December 1998. <http://www.hud.gov/lea/debris.pdf>

EPA. Office of Pollution Prevention and Toxics. Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil. 60 FR 47248. 11 September 1995.

EPA. Preparation of Soil Sampling Protocols; Sampling Techniques and Strategies. EPA/ 600/R-92/128. July 1992. <http://www.epa.gov/swerust1/cat/mason.pdf>

EPA. Requirements for Hazard Education Before Renovation of Target Housing. Final Rule. 63 FR 29908. 1 June 1998. <http://www.hud.gov/lea/epareno.pdf>

EPA. Requirements for Lead Based Paint Activities in Target Housing and Child-Occupied Facilities. Final Rule. 40 CFR Part 745. 61 FR 45778. August 29, 1996. http://www.hud.gov/lea/lea402_4.pdf

EPA. Residential Sampling for Lead: Protocols for Dust and Soil Sampling, Final Report, EPA 747-R-95-001, EPA, 14 July 1994.

EPA. Temporary Suspension of Toxicity Characteristic Rule for Specified Lead-Based Paint Debris. Proposed Rule. 63 FR 70233. 18 December 1998.

Identification of and Listing of Hazardous Waste. 40 CFR 261 and Appendices.

Lead-Based Paint Activities. 40 CFR Part 745, Subpart L.

OSHA. Chemical Sampling Information. http://www.osha-slc.gov/OCIS/toc_chemsamp.html

OSHA. Field Evaluation of Lead-Based Paint Inspections <http://www.hud.gov/lea/xrffreport.html>

OSHA. Regulations, Lead Standards. 29 CFR 1926.62. <http://www.hud.gov/lea/leaosha.pdf>

OSHA Technical Manual (TED 1-0.15A), 20 January 1999. Section II: Sampling, Measurement Methods and Instruments. (Provides guidance on sampling procedures.)

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance, Final Rule. 24 CFR 35, et al. 64 FR 50140, 15 September 1999. http://www.hud.gov/lea/1012_3final.pdf

Residential Lead-Based Paint Hazard Reduction Act of 1992. Title 42, The Public Health and Welfare. Chapter 63 - Lead-Based Paint Poisoning Prevention, and Chapter 63A - Residential Lead-Based Paint Hazard Reduction. 42 U.S. Code 4821-4856. <http://www.hud.gov/lea/leacode.html>

APPENDIX F – FREQUENTLY ASKED QUESTIONS

Q1. Do the standards in the new May 2001 Revised AFBCA Lead-Based Paint Procedures for leases also apply to long-term leases?

A. Yes. The procedures contain standards that apply to long-term leases, interim leases, leases in furtherance of conveyance, and lease renewals. Note that a deed of conveyance, however, cannot be granted until the requirements in the procedures for transfer of property are met.

Q2. What kinds of properties are exempted from the Title X regulations?

A. The following properties are not covered by the Title X regulations, either because lead paint is unlikely to be present, or because children will not occupy the property in the future:

- Housing built after January 1, 1978 (when lead paint was banned for residential use)
- Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there
- Zero bedroom dwellings, including efficiency apartments, single-room occupancy housing, or military dormitories
- Property that has been found to be free of lead-based paint (LBP) by a certified LBP inspector
- Property where all LBP has been removed
- Unoccupied housing that will remain vacant until it is demolished
- Non-residential property
- Any rehabilitation or housing improvement that does not disturb a painted surface.

Also, emergency repair actions needed to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage are exempted.

Q3. Are any property excluded from the Title X regulations included in the AFBCA Revised LBP Procedures?

A. Yes. The Revised AFBCA LBP Procedures contain requirements that exceed the Title X regulations as a matter of DoD and Air Force Policy. These requirements include standards for leases, child-occupied facilities, and lead-soil hazard evaluation and abatement standards.

Q4. Are child-occupied facilities covered by the AFBCA Revised LBP Procedures?

A. Child-occupied facilities, such as child care centers serving children under 6 years old, are covered by Title X only if they located in a common area or a dwelling unit in a residential property that is covered by this regulation. EPA regulates the use of certified personnel to conduct lead-related work in child occupied facilities, but does not require that any work be done. However, the DoD policy states certain LBP standards do apply to all child-occupied facilities on Air Force BRAC property being transferred. These standards include an LBP Evaluation, and the requirement that the transferee abate LBP hazards prior to use of the facility as a child-occupied facility.

Q5. Section 35.115(a)(6) of the HUD Section 1013 regulations says that an unoccupied property that is to be demolished is exempt from the regulation, provided the property remains unoccupied until demolition. Can't demolition generate lead hazards? Shouldn't the soil be tested after demolition and, if lead-contaminated, be remediated?

A. The HUD Section 1013 regulation does not apply to demolition, but parties planning demolition should determine first whether other Federal, State or local environmental requirements apply. Federal Occupational Safety and Health Administration (OSHA) standards (or, where applicable, State or local occupational safety and

health standards) must be observed. In the case of Air Force BRAC properties, however, DoD standards require that the transferee evaluate for soil-lead hazards after demolition and abate any soil-lead hazards prior to occupancy of any newly constructed residential buildings. These DoD standard apply only if the property to be demolished is target housing.

Q6. If a federally-owned, pre-1978 property is nonresidential at the time of sale but the Federal agency knows or suspects the structure is going to be used as housing by the buyer, does subpart C of the HUD regulations apply?

A. No. In HUD's opinion, subpart C of the Section 1013 regulation does not apply to property that is not housing at the time of sale. However, if the agency knows the property is going to be used as housing, HUD recommends that at the very least the agency inform the buyer that LBP hazards may be present and remind the buyer that subpart A of the regulation (disclosure) will apply when the property becomes housing. Note that the DoD policies that exceed Title X also do not apply when the property to be disposed is not residential real property at the time of transfer.

Q7. If a federally-owned, pre-1978 property is residential at the time of sale but the Federal agency knows the structure is going to be used for nonresidential purposes, does subpart C apply?

A. Subpart C of the HUD Section 1013 regulations applies in this case, except when the building or buildings are to be demolished, are unoccupied at time of sale, and will remain unoccupied until demolition. If these conditions are met, subpart C does not apply, except that the Federal agency is responsible for assuring that the conditions are followed. Note that the DoD policies that exceed Title X also do not apply when the residential property to be disposed is scheduled for demolition and redevelopment as non-residential property

Q8. What is the difference between LBP inspections and risk assessments? The definition of LPB Evaluation includes LBP testing and/or a risk assessment. When would a risk assessment not be performed?

A. Inspections determine whether or not LBP is present and, if it is, where it is located, regardless of whether or not it is currently a hazard. Risk assessments determine whether or not LBP hazards exist and, if they do, where they are located. If an inspection determines that LBP is not present, a risk assessment is not necessary

Q9. What is the difference between abatement and interim controls?

A. Abatement, as the term is used in the HUD regulations, corrects hazards for at least 20 years. Abatement methods include removal of paint, replacement of painted building components, and enclosure or encapsulation of painted surfaces. If enclosure or encapsulation is used, the application must have an expected life of at least 20 years. Interim controls correct LBP hazards for a shorter period of time. The most common interim control is paint stabilization. If interim controls are used, ongoing maintenance of LBP surfaces is necessary to ensure that the housing remains lead-safe. If performed properly, both abatement and interim controls result in a lead-safe dwelling for children. AFBCA has a general preference for abatement rather than interim controls.

Q10. What if the AFBCA's risk assessment finds no LBP hazards?

A. If the risk assessment conducted by the AFBCA finds no LBP hazards, the HUD Section 1013 regulations do not require the agency to conduct any abatement of hazards. Therefore, AFBCA has no responsibility under the regulations to require the buyer to conduct such abatement. If the buyer is not required to conduct abatement of LBP hazards, there is no need under the regulation for an updated risk assessment.

Q11. Is removal of chipping, peeling, or flaking paint on a deteriorated LBP surface considered "abatement" of the hazard? If so, what is the difference between interim controls and abatement?

A. No. Removal of deteriorated paint to prepare the surface for repainting is part of paint stabilization, which is an interim control. Abatement involves permanent methods (at least 20 years) of intentionally eliminating lead hazards. Interim controls are typically performed in the context of maintaining a property to ensure that hazards that have been identified are controlled. Activities whose purpose is not to eliminate lead hazards, like many rehabilitation projects, are not considered to be abatement. For example, window replacement done for reasons other than to address lead hazards is not considered an abatement, even though it results in eliminating lead hazards from the window. Similarly, covering window troughs or other small surfaces with vinyl, aluminum or other material is not "permanent" and not abatement. On the other hand, covering a wall with new drywall is considered an enclosure type of abatement when the new drywall is installed with the intent of abating a LBP hazard. Similarly, window replacement done to eliminate lead hazards is an abatement. State and local governments may also regulate this activity.

Q12. What are LBP hazards?

A. Title HUD Title X regulations define "lead-based paint hazards" as including deteriorated LBP; LBP on friction surfaces, impact surfaces and accessible (chewable) surfaces; and dust and soil that is contaminated with lead above specified standards. The regulation states further that friction, impact and chewable surfaces must show signs of paint abrasion, damage or teeth marks to be considered LBP hazards. LBP that is intact and in good condition is usually not considered a hazard. TSCA Section 403 defines LBP hazards as hazardous LBP, dust-lead hazard, or soil lead-hazard as identified in 40 CFR §745.65.

Q13. Is the definition of "lead-based paint" the same for HUD and EPA regulations as it is for the Consumer Product Safety Commission (CPSC)?

A. No. The terms and definitions are for different purposes and therefore have different meanings. The HUD/EPA term "lead-based paint" addresses the layers of paint on an applicable surface having lead equal to or greater than 1.0 mg/cm² or 0.5% by weight. The CPSC term is "lead-containing paint," which may not be sold for consumer purposes. The maximum amount of lead in paint that may be sold for consumer use is 0.06% of the dry weight of the paint. (The CPSC rule is published at 16 CFR 1303.) The CPSC rule does not use the term "lead-based paint."

Q14. What should be included in contracts of sale after September 15, 2000 (the effective date of the new HUD Title X Sections 1013 LBP regulations)?

A. If abatement of LBP hazards is required, the contract of sale should include a condition that the transferee will abate LBP hazards prior to occupancy using a trained and certified contractor. Such an agreement should also include a condition that the risk assessment will be made current by the buyer if more than 12 months have elapsed from the date of the Government's risk assessment to the time when abatement work will begin, and provisions that the transferee send a copy of the certified abatement report, including the clearance testing report, prior to occupancy, to AFBCA.

Q15. How does the final HUD Title X section 1013 final rule affect the LBP disclosure requirements that were issued jointly by HUD and EPA in 1996?

A. It has no effect whatsoever on the disclosure requirements. However, it changes the letter of the subpart of 24 CFR Part 35 where the HUD-published disclosure requirements are found from subpart H to subpart A. The section numbers and the text of the disclosure requirements stay the same.

Q16. Who can do clearance examinations and other LBP activities such as inspections, risk assessments, and abatement?

A. A clearance examination must be done by a person who was not involved in performing the hazard control work and who is certified (or licensed) as a LBP inspector, risk assessor, or clearance technician in the State or Indian Country in which the housing is located. A clearance examination can also be done by a person who has been trained but not certified as a clearance technician, provided a certified LBP inspector or risk assessor approves the work of the clearance technician and signs the report of the clearance examination.

Paint testing and full LBP inspections must be done by a certified LBP inspector. A risk assessment must be done by a certified risk assessor.

Abatement of LBP or LBP hazards must be done by a certified abatement worker, and the work must be supervised by a certified LBP abatement supervisor. Interim controls of LBP hazards must be done by a person who is trained in accordance with the hazard communication standard (at 29 CFR 1926.59) of OSHA and who is either supervised by a certified abatement supervisor or has completed one of several training courses that explain how to conduct such work safely so as not to contaminate the environment or expose occupants to lead.

Q17. Where can I find certified LBP risk assessors, inspectors, abatement contractors, and laboratories that are accredited for analysis of samples for lead?

A. HUD maintains a listing of certified firms and recognized laboratories for every State. The listing also includes accredited providers of training in LBP activities. You can access the Lead Listing on the Internet at www.leadlisting.org or by telephone toll-free at 1-888-LEADLIST. This information is also available from the National Lead Information Center at 1-800-424-LEAD, and it also includes a list of accredited providers of training in LBP activities.

Q18. Do the Title X requirements apply to exterior surfaces and common areas, as well as to painted surfaces within a dwelling unit?

A. Yes. The requirements apply to exterior surfaces and, in multi-unit buildings, common areas that are associated with the dwelling units covered by the regulation. Children can be exposed to high levels of lead dust in, for example, hallways or laundry rooms, as well as in their own homes. Lead-based paint was often used on exterior surfaces, and deteriorated exterior LBP often contaminates window sills as well as the soil around the home -- all easily accessible to young children.

Q19. How large does an area of deteriorated paint have to be before the HUD Section 1013 regulations requires action?

A. The rule requires that all deteriorated paint must be stabilized or abated, except when the paint is found not to be LBP or when the deterioration is limited to hairline cracks or small nicks, scratches or nail holes. In addition, "safe work practices" (that is, occupant protection, worksite preparation and specialized cleaning) must be used during stabilization or abatement only when the area of paint being disturbed is greater than:

- 20 square feet on exterior surfaces; or
- 2 square feet in an interior room; or
- 10% of a building component with a small surface area (such as a painted window frame).

Q20. What is considered a soil-lead hazard under the new TSCA 403 standards?

A. A soil-lead hazard is bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (ug/g) in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

Q21. Where can I get information on how to do lead hazard evaluation and control work safely?

A. You can obtain HUD's "Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work" from the National Lead Information Clearinghouse, at 1-800-424-LEAD, or by downloading from www.hud.gov/lea. You can also obtain the EPA's "Reducing Lead Hazards When Remodeling Your Home" from the Clearinghouse or by downloading from www.epa.gov/opptintr/lead. Finally, you can obtain HUD's comprehensive document, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, by downloading from www.hud.gov/lea or by mail from HUD USER at 1-800-245-2691.

Q22. Can AFBCA pass the responsibility for the initial lead paint inspection and risk assessment on to the buyer?

A. No. For properties built after 1959 and before 1978, the statute explicitly states that "the results of such inspections shall be made available to prospective purchasers" (42 U.S.C. 4822(a)(3)(B)). HUD interprets that provision to mean that it is the intent of the legislation that the inspection and risk assessment be conducted by the Government before the sale.

Q23. Can AFBCA pass the responsibility for abatement on to the buyer?

A. Yes. The regulation permits the Federal agency to pass the responsibility for abatement on to the buyer, if the agency takes the responsibility for assuring that abatement is carried out by the purchaser before occupancy.

APPENDIX G – 1996 AFBCA INTERIM LBP PROCEDURES

The AFBCA 1996 Interim LBP Procedures (August 16, 1996) describe the procedures applicable to the transfer, sale, and lease of Air Force BRAC residential property, target housing, and child-occupied facilities occurring before September 15, 2000 (the effective date of the Title X Section 1013 regulations). In addition, the DoD LBP policies which exceed Title X are applicable to the transfer and sale of BRAC properties occurring after March 30, 2000. Therefore, both the AFBCA 1996 Interim LBP Procedures and the DoD policies which exceed Title X are applicable to transfers occurring between March 30, 2000 and September 15, 2000. See Appendix B for a summary of DoD policies which exceed Title X.

This is important because most Air Force BRAC target housing and residential property is included in transfer agreements such as EDCs, PBCs, and Negotiated Sales which were executed prior to September 15, 2000. Therefore, in many circumstances, the 1996 AFBCA Interim Procedures should be used when identifying the applicable LBP standards and procedures for a property transaction. The DoD policies which exceed Title X might also be applicable to some of these transactions. Table A summarizes the AFBCA 1996 Interim LBP Procedures. The entire text of the AFBCA 1996 LBP Procedures follows Table A.

Table A
AFBCA 1996 Interim LBP Procedures - Summary

Transaction	Construction Period	Disposition of Target Housing	Disposition of Target Housing Schedules for Non-Residential Use	Disposition of Child-Support Facilities	Disposition of Other Facilities
Transfer to Other Federal Entity	Pre-1978	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Provide notice and Disclosure of known LBP hazards Provide any available LBP inspection and hazard evaluation reports 	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Provide notice and Disclosure of known LBP hazards Provide any available LBP inspection and hazard evaluation reports Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	Pre-1960	<ul style="list-style-type: none"> Identify LBP hazards Abate LBP hazards Lead warning statement in contract LBP hazard notice and disclosure 	<ul style="list-style-type: none"> Disclose location of known LBP and LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	1960-1978	<ul style="list-style-type: none"> Identify LBP hazards Lead warning statement in contract LBP hazard notice and disclosure 	<ul style="list-style-type: none"> Disclose location of known LBP and LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Lease to Non-Federal Entity ²⁰	Pre-1978	<ul style="list-style-type: none"> Identify LBP hazards Lessee will manage all LBP hazards using abatement or interim controls prior to occupancy²¹ Provide notice and disclosure of LBP hazards Provide any available LBP inspection or hazard evaluation reports 	<ul style="list-style-type: none"> Lease restrictions²² 	<ul style="list-style-type: none"> Identify LBP hazards Lessee will manage all LBP hazards using abatement or interim controls prior to occupancy²⁶ Provide notice and disclosure of LBP hazards Provide any available LBP inspection or hazard evaluation reports 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey Lease Restrictions²⁷

²⁰ Title X does not apply to leases, except for notice and disclosure. The requirements for LBP hazard evaluation and abatement are pursuant to AFBCA policy.

²¹ By practice the Air Force preference is to have abatement performed, rather than interim controls. AFBCA/DR must concur on the use of interim controls rather than abatement.

²² Lease restrictions prohibiting residential use or common use by children under six (6), unless LBP hazards are managed through interim controls or abated. The AFBCA preference is for abatement. AFBCA/DR must concur on the use of interim controls rather than abatement.



DEPARTMENT OF THE AIR FORCE
AIR FORCE BASE CONVERSION AGENCY

August 16, 1996

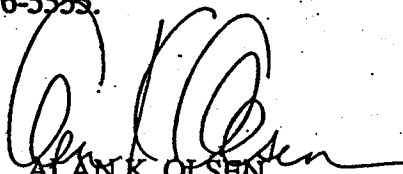
MEMORANDUM FOR PMs and BECs

FROM: AFBCA/DR

SUBJECT: Interim Operating Procedures for Management of Lead-Based Paint (LBP) at Base Realignment and Closure (BRAC) Installations

The attached interim operating procedures provide guidance for the management of lead-based paint at Air Force BRAC installations. These procedures will be updated, as needed, to comply with future changes to the Environmental Protection Agency and Department of Housing and Urban Development implementing regulations and will be superseded by the definitive Air Force Instruction on lead-based paint expected to be issued by AF/CE early next year. All actions should be accomplished in accordance with the requirements of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of Public Law 102-550, hereafter referred to as Title X), applicable Federal, State, and local LBP requirements, and Air Force instructions and guidance applicable to the management of LBP.

AFBCA requirements for abatement, management, and disclosure of LBP and LBP hazards in order to lease target housing and child care facilities and transfer target housing are summarized in the attached implementing procedures. My points of contact are Claire Biunno at (703) 696-5360 and Major Tim Caretti at (703) 696-5555.


ALAN K. OLSEN
Director

Attachment:
As Stated

cc:
SAF/MIQ
SAF/MII

AFBCA Interim Operating Procedures

Management of Lead-Based Paint (LBP) at Base Realignment and Closure (BRAC) Installations

A. Purpose

These procedures describe actions for abatement, management, and disclosure of LBP and LBP hazards at BRAC bases, in accordance with the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) and its implementing regulations, prior to lease of target housing and child care facilities and transfer of target housing. These procedures are summarized in Attachment 1 and are described in detail below.

B. Definitions

1. Abatement - A measure or set of measures designed to permanently eliminate LBP hazards or LBP. Abatement strategies include the removal of LBP, enclosure, encapsulation, replacement of building components coated with LBP, removal of lead-contaminated dust, and removal of lead-contaminated soil or overlaying of soil with a durable covering such as asphalt (grass and sod are considered interim control measures). All of these strategies require preparation; cleanup; waste disposal; post-abatement clearance testing; record keeping; and, if applicable, monitoring.

2. Child Support Facilities - Facilities or portions of facilities which are commonly used by children under age six (6). These facilities include: military family housing units, transient lodging facilities, child development centers and annexes, schools, playgrounds, and playground equipment.

3. Deteriorated LBP - Any LBP coating on a damaged or deteriorated surface or fixture, or any interior or exterior LBP paint that is peeling, chipping, blistering, flaking, worn, chalking, alligatoring, cracking, or otherwise becoming separated from the substrate.

4. Encapsulation - Any covering or coating that acts as a barrier between LBP and the environment, the durability of which relies on adhesion and the integrity of the existing bonds between multiple layers of paint and between the paint and the substrate.

5. Interim Controls - A set of measures designed to temporarily reduce human exposure or possible exposure to LBP hazards. Such measures include specialized cleaning, repairs, maintenance, painting, temporary containment, and management and resident education programs. Monitoring, conducted by owners, and reevaluations, conducted by professionals, are integral elements of interim control. Interim controls include dust removal; paint film stabilization; treatment of friction and impact surfaces; installation of soil coverings, such as grass or sod; and land-use controls.

6. Inspection (of paint) - A surface-by-surface investigation to determine the presence of LBP (in some cases including dust and soil sampling) and a report of the results.

7. Lead-Based Paint (LBP) - Any paint, varnish, shellac, or other coating that contains lead equal to or greater than 1.0 milligrams per square centimeter as measured by X-ray fluorescence (XRF) or laboratory analysis, or 0.5 percent (5,000 milligrams per kilogram) by weight as measured by laboratory analysis.

8. LBP Hazard - Any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

9. Risk Assessment - An onsite investigation of a residential dwelling to discover any LBP hazards. Risk assessments include an investigation of the age, history, management, and maintenance of the dwelling, and the number of children under age six (6) and women of child-bearing age who are residents; a visual assessment; limited environmental sampling (i.e., collection of dust wipe samples, soil samples, and deteriorated paint samples); and preparation of a report identifying acceptable abatement and interim control strategies based on specific conditions.

10. Target Housing - Any residential unit constructed before 1978, except dwellings that do not contain bedrooms or dwellings that were developed specifically for the elderly or persons with disabilities - - unless a child younger than six (6) resides or is expected to reside in the dwelling.

C. Guidance

1. Lease Procedures for Target Housing and Pre-1978 Child Support Facilities

a. AFBCA (or the Major Command, as appropriate) will visually inspect target housing and child support facilities constructed prior to 1978 for deteriorated LBP surfaces within six (6) months prior to lease. They shall identify deteriorated LBP surfaces and friction, impact, or accessible surfaces containing LBP and lead contaminated soil (based upon existing LBP inspection results) to the Lessee as potential LBP hazards. Deteriorated surfaces and friction, impact, or chewable surfaces will be assumed to contain LBP unless inspection results show otherwise.

b. All LBP hazards will be managed using interim controls or abated prior to residential occupancy or common occupancy by children under age six (6). This requirement will be assumed by the Lessee as part of the Lease agreement.

c. The Lessee will be made responsible through the Lease for monitoring the condition of painted surfaces for LBP hazards and eliminating any hazards that develop during the term of the Lease.

d. AFBCA shall provide the following information to Lessees of child support facilities: (1) the EPA lead hazard information pamphlet, *Protect Your Family from Lead in Your Home*; (2) disclosure of the presence of any known LBP or LBP hazards; and (3) any LBP inspection or hazard evaluation reports available for the facilities.

e. The following activities shall be completed before the Lessee is obligated under any contract to lease target housing.

(1) AFBCA shall provide the Lessee with an EPA-approved lead hazard information pamphlet. Such pamphlets include the EPA document entitled *Protect Your Family from Lead in Your Home*. An equivalent pamphlet that has been approved for use in a State by EPA may also be used.

(2) AFBCA shall disclose to the Lessee the presence of any known LBP and/or LBP hazards in the target housing being leased. AFBCA shall also disclose any additional information available concerning the known LBP and/or LBP hazards, such as the basis for the determination that LBP and/or LBP hazards exist, the location of the LBP and/or LBP hazards, and the condition of the painted surfaces.

(3) AFBCA shall provide the Lessee with any available records or reports pertaining to LBP and/or LBP hazards in the target housing to be leased. This requirement includes records and reports regarding other residential dwellings in multi-family target housing, provided that such information is part of an evaluation or reduction of LBP and/or LBP hazards in the target housing as a whole.

f. Each contract to lease target housing shall include, as an attachment or within the contract, the following elements. A sample disclosure format for target housing leases is provided at Attachment 2.

(1) The Lead Warning Statement required by Title 24 Code of Federal Regulations (CFR) § 35.92(b)(1).

(2) A statement by AFBCA disclosing the presence of known LBP and/or LBP hazards in the target housing being leased or indicating no knowledge of the presence of LBP and/or LBP hazards.

(3) A list of any records or reports available to the Air Force pertaining to LBP and/or LBP hazards in the housing that have been provided to the Lessee.

(4) A statement by the Lessee affirming receipt of the information set out in paragraph C.1.e above.

(5) The signature of AFBCA and the Lessee certifying to the accuracy of their statements to the best of their knowledge, along with the dates of signature.

g. The inspection, management, and disclosure requirements stated above do not apply if the Lease prohibits use of the facilities for residential occupancy and common occupancy by children under six (6) years of age.

h. These procedures apply both to interim leases and leases in furtherance of conveyance. (They also apply to all lease renewals after September 6, 1996.) However, a deed of conveyance cannot be granted until the requirements of Title X (see conveyance requirements described below) are met.

2. Target Housing Transfers to Federal Agencies - For target housing that will be transferred or assigned to another Federal agency (e.g., for public benefit conveyance), Title X requirements will become the responsibility of the receiving Agency. AFBCA will: (a) advise the sponsoring agency of the applicability of Title X to the property; (b) provide the Environmental Protection Agency lead hazard information pamphlet, *Protect Your Family from Lead in Your Home*; and (c) provide disclosure of the presence of any known LBP or LBP hazards and any LBP inspection and hazard evaluation reports available for the facilities.

3. Conveyances to Non-Federal Entities - The following procedures apply to Air Force target housing being conveyed to a non-Federal entity.

a. AFBCA (unless already performed by the Major Command) will conduct a surface-by-surface inspection to identify LBP using an approved XRF or other approved technique of all interior and exterior painted surfaces in target housing prior to the date of formal base closure or realignment. The inspection will be conducted to the extent required by Title X and applicable regulations. Survey findings will be documented in an installation LBP survey report, and the results will be incorporated into the installation's Environmental Baseline Survey (EBS) or any supplemental EBS.

b. Target housing constructed after 1960 and before 1978 must be inspected for LBP and LBP hazards (via a risk assessment). There is no Title X LBP hazard abatement requirement for the conveyance of such property. The decision of who (AFBCA or the transferee) conducts the inspection will be based on cost and other considerations. This requirement may be assumed by a responsible transferee if the transferee agrees, through the contract for sale or transfer, to identify LBP hazards in accordance with Title X.

c. Target housing constructed before 1960 must be inspected for LBP and LBP hazards (via a risk assessment), and such hazards must be abated. The decision of who (AFBCA or the transferee) will conduct the inspection and abatement will be based on cost and other considerations. These requirements may be assumed by a responsible transferee if the transferee agrees, through the contract for transfer, to identify and abate

LBP hazards in accordance with Title X. There may be some instances where the purchaser does not intend to use the housing as a residence until after it is renovated but needs the title to the property in order to obtain funding for the renovation project. In that case, an agreement to abate the lead based paint hazard by a certified contractor during renovation and prior to use may be made a condition of the sale contract. This will be determined on a case-by-case basis, and must be approved by AFBCA/DR. Inspection and certification after abatement shall be made by a qualified inspector, industrial hygienist, or local public health official, and the results shall be provided immediately to the Air Force by the transferee.

Note: Encapsulation is considered an acceptable method of abatement for target housing, provided the following conditions, procedures, and precautions exist or are followed: (a) the encapsulation product or system is warranted by the manufacturer to perform for at least twenty (20) years as a durable barrier between the LBP and the environment; (b) selection and use of encapsulation products or systems follow the manufacturer's recommendations; (c) patch testing (method to assess the adhesion of an encapsulant) is completed successfully; (d) the property owner conducts surface-by-surface visual monitoring of all encapsulant applications one (1) month, six (6) months, and annually thereafter from the date of completion of the application and records those results; and (e) failures are repaired as soon as possible, and repairs are made according to the manufacturer's recommendations. The procedures and documentation described above must be in accordance with HUD's *Guidelines for the Evaluation and Control of LBP Hazards in Housing* (Chapters 12 and 13).

d. AFBCA shall provide the following information to purchasers of child support facilities: (1) the EPA lead hazard information pamphlet, *Protect Your Family from Lead in Your Home*; (2) disclosure on the presence of any known LBP or LBP hazards; and (3) any LBP inspection or hazard evaluation reports available for the facilities.

e. The following activities shall be completed before a transferee is obligated under any contract to purchase target housing.

(1) AFBCA shall provide the transferee with an EPA-approved lead hazard information pamphlet. Such pamphlets include the EPA document entitled *Protect Your Family from Lead in Your Home*, or an equivalent pamphlet that has been approved for use in a State by EPA.

(2) AFBCA shall disclose to the transferee the presence of any known LBP and/or LBP hazards in the target housing being sold. AFBCA shall also disclose any additional information available concerning the known LBP and/or LBP hazards, such as the basis for the determination that LBP and/or LBP hazards exist, the location of the LBP and/or LBP hazards, and the condition of the painted surfaces.

(3) AFBCA shall provide the transferee with any available records or reports pertaining to LBP and/or LBP hazards in the target housing to be sold. This requirement

includes records and reports regarding other residential dwellings in multifamily target housing, provided that such information is part of an evaluation or reduction of LBP and/or LBP hazards in the target housing as a whole.

(4) AFBCA shall permit the purchaser a 10-day period (unless AFBCA and the purchaser mutually agree, in writing, upon a different period of time) to conduct a risk assessment or inspection for the presence of LBP and/or LBP hazards.

f. Each contract to sell target housing shall include an attachment containing the following elements. A sample disclosure format for target housing sales is provided at attachment 3.

— (1) The Lead Warning Statement required by Title 24 CFR § 35.92(a)(1).

(2) A statement by AFBCA disclosing the presence of known LBP and/or LBP hazards in the target housing being sold or indicating no knowledge of the presence of LBP and/or LBP hazards.

(3) A list of any records or reports available to the Air Force pertaining to LBP and/or LBP hazards in the housing that have been provided to the purchaser.

(4) A statement by the purchaser affirming receipt of the information set out in paragraph C.3.e. above.

(5) A statement by the purchaser that he/she has either: (a) received the opportunity to conduct a risk assessment or inspection, or (b) waived the opportunity.

(6) The signature of AFBCA and purchasers, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature.

g. The inspection, abatement, and disclosure requirements discussed above will not be required if the transferee certifies that the housing: (1) will be demolished; (2) will only be used for nonresidential use; or (3) falls within the authorized exceptions of Title X. A disclosure notice regarding the certification will be included in the contract for sale or transfer and the deed.

4. Facilities Other than Target Housing and Child Support Facilities - AFBCA shall provide notification to lessees and transferees of facilities other than target housing and child support facilities of the possible presence of LBP, as well as any actual knowledge the Air Force has on the presence of LBP. The lessee and transferee of such property will be made responsible for managing all LBP in compliance with all applicable laws and regulations.

5. Other Requirements - BRAC bases will comply with all other applicable Federal, State, and local environmental protection and Occupational Safety and Health (OSHA) regulations relating to LBP.

a. The Occupational Safety and Health Administration (OSHA) Construction Standard for Lead Exposure (Title 29 CFR § 1926.62) applies to all construction work where an employee may be occupationally exposed to lead (e.g., work on a surface with any measurable detection of lead). Employers are required to establish and implement a written compliance program that includes a description of each activity and a description of the specific means that will be employed to comply with the provisions of 29 CFR.

b. LBP debris will be evaluated in accordance with the Resource Conservation and Recovery Act (RCRA), and applicable State and local transportation, treatment, storage, and disposal laws and regulations. Under RCRA, LBP debris is considered hazardous waste when the leachate exceeds 5 parts per million from a 100-gram sample or 5 milligrams per liter by the Toxicity Characteristic Leaching Procedure (TCLP).

c. National ambient air quality standards may not be violated. The current criteria for lead emissions is 1.5 micrograms per cubic meter, maximum arithmetic mean over 90 days.

Attachments:

1. Requirements for Transfer and Lease
2. Title X Disclosure Format for Target Housing Leases
3. Title X Disclosure Format for Target Housing Sales

**Resolution of Key Issues on
Management of Lead-Based Paint (LBP) at Closure Bases**

Issue #1: Inspection and abatement of LBP hazards prior to conveyance of deed

- Title X requires inspection and abatement of pre-1960 target housing, but does not require these activities to occur prior to deed conveyance
- Requiring inspection and abatement prior to deed transfer better protects the AF against possible tort liability, and allows the AF to ensure abatement actions are appropriately conducted
- Allowing inspection and abatement to occur after deed transfer provides the transferee greater flexibility to conduct abatement along with renovation activities (with significant cost savings) and makes the property more desirable
- Policy allows inspection and abatement after deed conveyance, provided the transferee agrees (through the contract for transfer) to conduct these actions and have a qualified individual perform the inspection and certification after abatement

Issue #2: Redefining "high priority facilities" to "child support facilities"

- Term more accurately reflects those facilities in which the Air Force will manage LBP hazards

Issue #3: Standardize age of children protected under BRAC policy to under age six (6)

- AF policy and 24 CFR Part 35 (to be superseded by Title X regulations) places requirements protecting children under age seven (7)
- Title X and its implementing regulations require protection of children less than six (6) years of age
- Age six (6) is used for consistency with Title X and implementing regulations

Issue #4: Title X requires an inspection for LBP and LBP hazards but does not specifically require a risk assessment

- HUD guidance states that a risk assessment must be conducted to identify LBP hazards in target housing (includes information on resident use patterns; management and maintenance patterns; visual inspection; paint, dust, and soil sampling; and abatement recommendations)

- Discussions with HUD indicate that implementing regulations to Title X will require a risk assessment to identify LBP hazards
- Policy requires that LBP hazards be identified through a risk assessment

Issue #5: Encapsulation as an acceptable method of abatement

- HUD considers encapsulation an acceptable method of abatement, provided certain monitoring and maintenance procedures are followed as described in HUD Guidelines
- Policy requires the transferee to assume these responsibilities as a condition for encapsulation to be used as the method of abatement

Issue #6: Lessees responsible for applying interim controls for deteriorated LBP

- AF must ensure optimum use of AF resources while ensuring protection of children and the AF from potential tort liability
- Policy requires the AF to identify LBP hazards and requires the lessee to manage LBP hazards using interim controls

Issue #7: Inspection and abatement performed by Air Force or transferee based on cost and other considerations

- AF must ensure optimum use of AF resources while ensuring protection of children, complying with Title X, and protecting the AF from potential tort liability
- Policy requires the AF to determine, based upon cost and other considerations, whether the Air Force or the property recipient will identify and abate LBP hazards
- Economically opportune time to conduct a risk assessment (identify LBP hazards) is when planning abatement actions

Issue #8: LBP Management Plan for Leases

- Policy requires Lessees to monitor the condition of painted surfaces for LBP hazards and eliminate any hazards that develop during the term of the Lease
- Air Force will not monitor lessee compliance with this requirement; therefore, policy does not require lessees to write a management plan

Issue #9: Use of qualified Air Force personnel (e.g., environmental engineers) to identify LBP hazards for lease of target housing and child support facilities

- There are no Federal requirements for identification or abatement of LBP hazard in leased facilities
- Qualified Air Force staff can adequately assess deteriorated LBP surfaces and can identify friction, impact, and chewable surfaces containing LBP and soil with elevated lead levels by review LBP survey reports

Lead-Based Paint Requirements for Transfer and Lease

Action	Target Housing	Target Housing scheduled for non-residential use	Child Support Facilities	Other Facilities
Transfer⁽¹⁾				
Pre-1978 and 1978	<ul style="list-style-type: none"> - Identify LBP hazards - Abate LBP hazards (Pre-1960 only) - Lead warning statement in contract - Opportunity for Transferee to conduct risk assessment or paint inspection - Provide LBP Hazard Information Pamphlet - Disclose location of known LBP/hazards - Disclosure/acknowledgment statements 	<ul style="list-style-type: none"> - Disclose location of known LBP and LBP hazards - Certification by Transferee - Deed disclosure notice 	<ul style="list-style-type: none"> - Provide LBP Hazard Information Pamphlet - Disclose location of known LBP and LBP hazards 	<ul style="list-style-type: none"> - Identify possible presence of LBP
Post-1978	- None	- None	- None	- None
Lease				
Pre-1978 and 1978	<ul style="list-style-type: none"> - Identify LBP hazards - Interim controls for LBP hazards - Provide LBP Hazard Information Pamphlet - Disclose location of known LBP/hazards - Disclosure/acknowledgment statements 	- Lease restrictions ⁽²⁾	<ul style="list-style-type: none"> - Identify LBP hazards - Interim controls for LBP hazards - Provide LBP Hazard Information Pamphlet - Disclose location of known LBP/hazards 	<ul style="list-style-type: none"> - Identify possible presence of LBP - Lease restrictions⁽²⁾
Post-1978	- None	- None	- None	- None

⁽¹⁾ Transfers to other Federal agencies require notification only

⁽²⁾ Lease restrictions prohibiting residential use or common use by children under six (6), unless LBP hazards are managed through interim controls or abated

TITLE X Disclosure Format for Target Housing Sales
Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (initial)

____ (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain). _____

☐ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

____ (b) Records and reports available to the seller (check one below):

☐ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below). _____

☐ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgment (initial)

____ (c) Purchaser has received copies of all information listed above.

____ (d) Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.

____ (e) Purchaser has (check one below):

☐ Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

☐ Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (initial)

____ (f) Agent has informed the seller of the seller's obligations under 42 U.S.C. 4582(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

er Date

Agent Date

Purchaser Date

Seller Date

Agent Date

Purchaser Date

TITLE X Disclosure Format for Target Housing Rentals and Leases
Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

- ____ (a) Presence of lead-based paint or lead-based paint hazards (check one below): ____
- ☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

- ☐ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.
- ____ (b) Records and reports available to the lessor (check one below):
- ☐ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

- ☐ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

- ____ (c) Lessee has received copies of all information listed above.
- ____ (d) Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (initial)

- ____ (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4582(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

Lessor Date

Lessee Date

Agent Date

Lessor Date

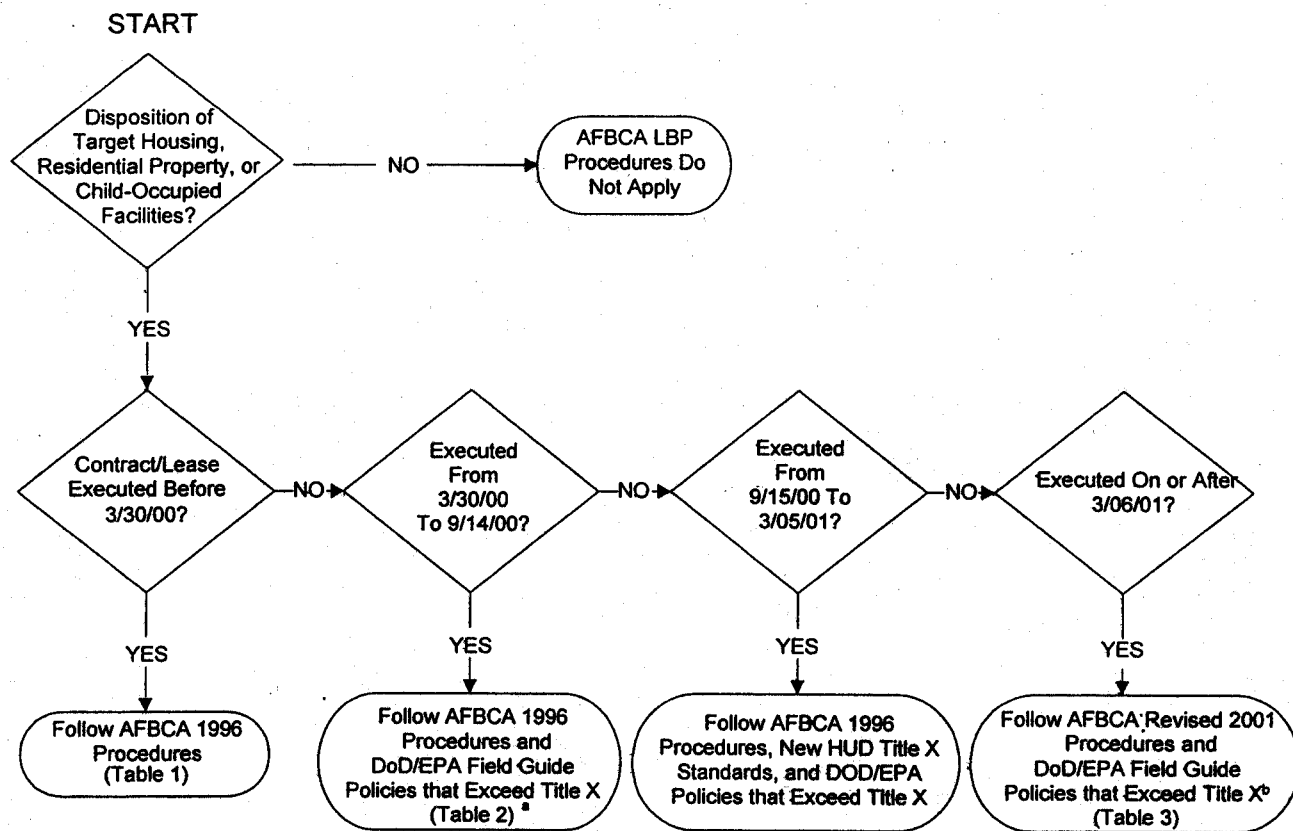
Lessee Date

Agent Date

AFBCA Summary of LBP Applicability and Procedures

Figure 1
Applicable LBP Procedures Decision Process

CURRENT APPLICABILITY OF LBP PROCEDURES



a. The DoD/EPA Field Guide standards that exceed Title X which should be followed are those found in the March 30, 2000, interim version of the DoD/EPA Field Guide. The DoD/EPA Field Guide standards that exceed Title X are currently being updated to reflect changes in the TSCA 403 regulations

b. The DoD/EPA Field Guide standards that exceed Title X which should be followed are those to be found in the updated version of the DoD/EPA Field Guide currently being revised to reflect recent changes to the TSCA 403 regulations.

Table 1
Requirements for Disposition of Property Transactions Occurring before 3/30/00

Transaction	Construction Period	Disposition of Target Housing	Disposition of Target Housing Scheduled for Non-Residential Use	Disposition of Child Support Facilities	Disposition of Other Facilities
Transfer to Other Federal Entity	Pre-1978	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Provide notice and Disclosure of known LBP hazards Provide any available LBP inspection and hazard evaluation reports 	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Provide notice and Disclosure of known LBP hazards Provide any available LBP inspection and hazard evaluation reports Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	Pre-1960	<ul style="list-style-type: none"> Identify LBP hazards Abate LBP hazards Lead warning statement in contract LBP hazard notice and disclosure 	<ul style="list-style-type: none"> Disclose location of known LBP and LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	1960-1978	<ul style="list-style-type: none"> Identify LBP hazards Lead warning statement in contract LBP hazard notice and disclosure 	<ul style="list-style-type: none"> Disclose location of known LBP and LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Lease to Non-Federal Entity ¹	Pre-1978	<ul style="list-style-type: none"> Identify LBP hazards Lessee will manage all LBP hazards using abatement or interim controls² prior to occupancy Provide notice and disclosure of LBP hazards Provide any available LBP inspection or hazard evaluation reports 	<ul style="list-style-type: none"> Lease restrictions³ 	<ul style="list-style-type: none"> Identify LBP hazards Lessee will manage all LBP hazards using abatement or interim controls² prior to occupancy Provide notice and disclosure of LBP hazards Provide any available LBP inspection or hazard evaluation reports 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey Lease Restrictions³

¹ Title X does not apply to leases, except for notice and disclosure. The requirements for LBP hazard evaluation and abatement are pursuant to AFBCA policy.

² By practice the Air Force preference is to have abatement performed, rather than interim controls. AFBCA/DR must concur on the use of interim controls rather than abatement.

³ Lease restrictions prohibiting residential use or common use by children under six (6), unless LBP hazards are managed through interim controls or abated. The AFBCA preference is for abatement. AFBCA/DR must concur on the use of interim controls rather than abatement.

Table 2
Requirements for Disposition of Property, Transactions Occurring from 3/30/00 to 9/14/00
Items in bold are requirements that exceed Title X pursuant to DoD Policy

Transaction	Construction Period	Disposition of Target Housing	Disposition of Target Housing Scheduled for Demolition and Redevelopment as Residential Property	Disposition of Target Housing Scheduled for Non-Residential Use ⁴	Disposition of Child-Support Facilities/Child-Occupied Facilities	Disposition of Other Facilities
Transfer to Other Federal Entity	Pre-1978	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Provide notice and disclosure of known LBP hazards Provide any available LBP inspection and hazard evaluation reports Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm⁵, excluding children's play areas). Action determined by LBP Evaluation. Sponsoring Agency's ultimate Transferee will abate soil-lead hazards surrounding target housing. 	<ul style="list-style-type: none"> Sponsoring Agency's ultimate Transferee will evaluate for soil-lead hazards after demolition of the existing target housing Sponsoring Agency's ultimate Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings 	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Provide notice and Disclosure of known LBP hazards Provide any available LBP inspection and hazard evaluation reports Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	Child-Occupied Facilities: <ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Sponsoring Agency's ultimate Transferee will abate identified hazards prior to use as a child-occupied facility 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	Pre-1960	<ul style="list-style-type: none"> Identify LBP hazards Abate LBP hazards Lead warning statement in contract LBP hazard notice and disclosure Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm⁵, excluding children's play areas). Action determined by LBP Evaluation. Abate soil-lead hazards surrounding target housing. 	<ul style="list-style-type: none"> Transferee will evaluate for soil-lead hazards after demolition of the existing target housing Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings 	<ul style="list-style-type: none"> Disclose location of known LBP and LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	Child-Occupied Facilities: <ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Transferee will abate identified hazards prior to use as a child-occupied facility 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	1960-1978	<ul style="list-style-type: none"> Identify LBP hazards Lead warning statement in contract LBP hazard notice and disclosure Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm², excluding children's play areas). Action determined by LBP Evaluation. Abate soil-lead hazards surrounding target housing.. 	<ul style="list-style-type: none"> Transferee will evaluate for soil-lead hazards after demolition of the existing target housing Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings 	<ul style="list-style-type: none"> Disclose location of known LBP and LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	Child-Occupied Facilities: <ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Transferee will abate identified hazards prior to use as a child-occupied facility 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Lease to Non-Federal Entity ⁶	Pre-1978	<ul style="list-style-type: none"> Identify LBP hazards Lessee will manage all LBP hazards using interim controls or abatement⁷ prior to occupancy Provide notice and disclosure of LBP hazards Provide any available LBP inspection or hazard evaluation reports 		<ul style="list-style-type: none"> Lease restrictions⁸ 	Child-Support Facilities: <ul style="list-style-type: none"> Identify LBP hazards Lessee will manage all LBP hazards using interim controls or abatement⁷ prior to occupancy Provide notice and disclosure of LBP hazards. Provide any available LBP inspection or hazard evaluation reports 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey Lease Restrictions⁸

⁴ Title X applies to conveyances of property that is currently residential property but will be used for nonresidential purposes, unless the buildings are to be demolished, are unoccupied at the time of sale, and will remain unoccupied until demolition. If these conditions are met, Title X does not apply. Table 2 assumes that these conditions are met.

⁵ The 1200 ppm standard is pursuant to the final TSCA 403 regulations. The March 30, 2000 Field Guide standard is 2000 ppm.

⁶ Title X does not apply to leases, except for notice and disclosure. The requirements for LBP hazard evaluation and abatement are pursuant to AFBCA policy.

⁷ By practice the Air Force preference is to have abatement performed, rather than interim controls. AFBCA/DR must concur on the use of interim controls rather than abatement.

⁸ Lease restrictions prohibiting residential use or common use by children under six (6), unless LBP hazards are managed through interim controls or abated. AFBCA/DR must concur on the use of interim controls rather than abatement.

Table 3
Requirements for Disposition of Property, Transactions Occurring after March 6, 2001
Items in bold are requirements that exceed Title X pursuant to DoD Policy

Transaction	Building Construction Period	Disposition of Target Housing and Residential Property	Disposition of Target Housing Scheduled for Demolition and Redevelopment as Residential Property	Disposition of Target Housing and Residential Property Scheduled for Redevelopment for Non-Residential Use ⁹	Disposition of Child-Occupied Facilities	Disposition of Other Facilities
Transfer to Other Federal Entity for Ultimate Disposition to Non-Federal Entity	Pre-1978	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Notice and Disclosure of known LBP hazards LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide any available LBP inspection and hazard evaluation reports Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm¹⁰, excluding children's play areas). Action determined by LBP Evaluation. Sponsoring Agency's ultimate Transferee will abate soil-lead hazards surrounding target housing. 	<ul style="list-style-type: none"> Sponsoring Agency's ultimate Transferee will evaluate for soil-lead hazards after demolition of the existing target housing Sponsoring Agency's ultimate Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings 	<ul style="list-style-type: none"> Advise Sponsoring Agency of applicability of Title X to property Notice of possible LBP hazards and disclosure of actual knowledge of presence of LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Sponsoring Agency's ultimate Transferee will abate identified hazards prior to use as a child-occupied facility 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	Pre-1960	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide results of LBP Evaluation Abatement of LBP Hazards by trained and certified personnel Notice and Disclosure of LBP Hazards Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm¹⁰, excluding children's play areas). Action determined by LBP Evaluation. Abate soil-lead hazards surrounding target housing. Clearance Testing Results 	<ul style="list-style-type: none"> Transferee will evaluate for soil-lead hazards after demolition of the existing target Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings Clearance Testing Results 	<ul style="list-style-type: none"> Notice of possible LBP hazards and disclosure of actual knowledge of presence of LBP hazards Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Transferee will abate identified hazards prior to use as a child-occupied facility Clearance Testing Results 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Conveyance to Non-Federal Entity	1960-1977	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide results of LBP Evaluation Notice and Disclosure of LBP Hazards Evaluate potential soil-lead hazards (bare soils with concentrations between 400 and 1200 ppm¹⁰, excluding children's play areas). Action determined by LBP Evaluation. Abate soil-lead hazards surrounding target housing. Clearance Testing Results 	<ul style="list-style-type: none"> Transferee will evaluate for soil-lead hazards after demolition of the existing target housing Transferee will abate any soil-lead hazards prior to occupancy of any newly constructed buildings Clearance Testing Results 	<ul style="list-style-type: none"> Notice of possible LBP and disclosure of actual knowledge of presence of LBP Deed disclosure notice of Grantee's certification that will demolish and/or re-develop as non-residential property 	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) Transferee will abate identified hazards prior to use as a child-occupied facility Clearance Testing Results 	<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey
Lease to Non-Federal Entity ¹¹	Pre-1978	<ul style="list-style-type: none"> LBP Evaluation (Inspection and/or Risk Assessment) by trained and certified personnel Provide results of LBP Evaluation Notice and Disclosure of LBP Hazards Lessee must abate, using trained and certified personnel, prior to occupancy Clearance Testing Results 		<ul style="list-style-type: none"> Notice of possible LBP and disclosure of actual knowledge of presence of LBP Lease restrictions making Lessee responsible for abating LBP hazards and prohibiting residential or common use by children under six (6) 		<ul style="list-style-type: none"> Identify and disclose any known LBP and LBP reports as part of environmental baseline survey Lease restrictions making Lessee responsible for abating LBP hazards and prohibiting residential or common use by children under six (6)

⁹ Title X applies to conveyances of property that is currently residential property but will be used for nonresidential purposes, unless the buildings are to be demolished, are unoccupied at the time of sale, and will remain unoccupied until demolition. If these conditions are met, Title X does not apply. Table 3 assumes that these conditions are met.

¹⁰ The 1200 ppm standard is pursuant to the final TSCA 403 regulations. The March 30, 2000 Field Guide standard is 2000 ppm.

¹¹ Title X does not apply to leases, except for notice and disclosure. Lease requirements are pursuant to AFBCA policy.